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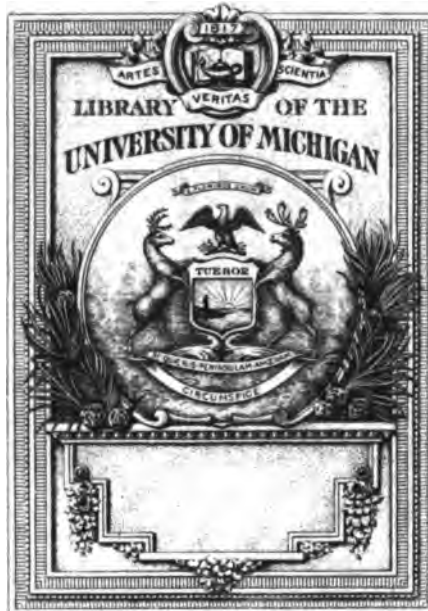
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*U.S.* JOURNALS OF THE  
CONTINENTAL CONGRESS  
1774-1789

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Volume XI. 1778

May 2-September 1



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1908



Spec.  
Continental Congress  
10 24.38

May, 1778

415

SATURDAY, MAY 2, 1778

The Committee on the Treasury brought in a report;  
Whereupon,

*Ordered*, That a warrant issue on the commissioner of the continental loan office in the State of Rhode Island, for one hundred and fifty thousand dollars, in favour of the governor and council of that State; it being advanced agreeably to Governor Cooke's letter of the 4th April; the said State to be accountable.<sup>1</sup>

*Ordered*, That there be paid to Mr. Nathan Sellers, for making a fine paper mould to manufacture paper for bills of exchange, and for his expences coming to York town, and returning home, 164 50/90 dollars:<sup>2</sup>

*Resolved*, That the managers of the lottery be authorized to employ their agents in each State, to pay off the prizes of the tickets sold by them respectively; and, for this purpose, to draw on the several continental loan offices for so much of the money arising on the sales of the tickets, and deposited in such offices, respectively, as they shall find necessary to pay off such prizes:

That the several agents be instructed by the managers, previous to the payment of prizes not of the lowest denomination in each class, to receive the tickets entitling the possessors to such prizes, give receipts for the same, and transmit them to the managers for their examination, with the names of the respective owners endorsed thereon, and specifying which of the said prizes are, at the owner's request, to be paid in loan office certificates:

That the loan office certificates which may issue for prizes of the second class of the lottery of the United

<sup>1</sup>This paragraph was reported in the report presented on May 1, but was postponed for a day.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 265.



States, shall bear an interest of six per cent. per annum; any resolution to the contrary notwithstanding:

That the managers be directed, forthwith, to prepare and make sale of the tickets of the second class of the lottery; that the drawing thereof commence the first of January next,<sup>1</sup> and be completed as soon as may be, and that all the tickets then unsold be the property and at the risque of the United States:

That loan office certificates of the following denominations, bearing an interest of four per cent. per annum, be struck, under the directions of the Board of Treasury, to be issued to such fortunate adventurers in the first class as may be entitled to and apply for the same, viz.

50 certificates, of 1,000 dollars each,	50,000
400 do. of 500 do.	200,000
	<hr/>
	250,000 <sup>a</sup>

*Resolved*, That the committee appointed to superintend the publication of the journals of Congress, be empowered and instructed to employ John Dunlap to continue to print the said journal, instead of Robert Aitkin.

Congress took into consideration the report of the committee to whom was referred the letter from the commissioners at Pittsburg;<sup>2</sup> Whereupon,

*Resolved*, That two regiments be raised in Virginia and Pennsylvania, to serve for one year, unless sooner discharged by Congress, for the protection of, and operations on the western frontiers; twelve companies in Virginia

<sup>1</sup> The original report had January, but November was inserted in the writing of Laurens.

<sup>2</sup> This report, dated May 1, is in the *Papers of the Continental Congress*, No. 136, II, folio 263.

<sup>3</sup> The rough notes, by William Ellery, are in the *Papers of the Continental Congress*, No. 78, II, folio 445.

and four in Pensylvania; each non-commissioned officer and soldier to receive twenty dollars bounty, and the same cloathing with the other continental soldiers: Every non-commissioned officer and soldier who shall find his own blanket, musquet or rifle and accoutrements, shall have the same allowance as is given by Congress to the drafts from the militia for filling up the continental regiments:

That Brigadier General Hand be recalled from his command at Pittsburg, agreeably to his request:

That a proper officer be immediately sent to take command on the western frontier:

That a proper person be appointed to perform the duties of quarter master, commissary and pay master to the militia of the counties of Rockingham, Augusta, Rockbridge, Bottetourt, Montgomery, Washington and Greenbriar, in Virginia:

That the commissioners at Fort Pitt, or in their absence, the officer appointed to command on the western frontier, be authorized to appoint a person to perform the duties aforesaid, and the officers necessary for commanding the battallions above mentioned:

That General Washington be desired to appoint the officer to take the command at Fort Pitt and western frontiers, and that a copy of the commissioners' letter be sent to the General.<sup>1</sup>

Adjourned to 10 o'Clock on Monday.

During the adjournment, Mr. [Simeon] Deane, brother to S[ilas] Deane, Esq<sup>r</sup> one of the commissioners at the Court of Versailles, arrived express from France, with sundry important despatches; Whereupon,

<sup>1</sup> This report, in the writing of Francis Lightfoot Lee, is in the *Papers of the Continental Congress*, No. 21, I, folio 205. The last paragraph is in the writing of Henry Laurens.

Congress was convened, and the despatches laid before them. Among which a treaty of commerce and alliance, concluded between the king of France and the United States of America, on the 6 February last.

MONDAY, MAY 4, 1778

A letter, of the 30 April, from General Washington. was read:

*Ordered*, That it be referred to a committee of three: The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [William Henry] Drayton and Mr. [Samuel] Chase.

Two letters, of the 1st, from General Washington, were read.<sup>1</sup>

A letter, of the 2, from the council of Pennsylvania, was read, with sundry papers enclosed.<sup>2</sup>

*Ordered*, That an extract of the said letter, relative to money, be referred to the Board of Treasury, and the letter, with the papers enclosed, be referred to the Committee for Indians Affairs.

A letter, of 24 April, from James Duane, Esq<sup>r</sup> was read:<sup>3</sup>

*Ordered*, That copies thereof be sent, one to General Washington, and one to General Gates.

A letter, of 29 April, from General Greene, Q. M. G., was read:

*Ordered*, That it be referred to the Board of Treasury.

<sup>1</sup> Washington's letter of April 30 is in the *Papers of the Continental Congress*, No. 152, V, folio 535; those of the 1st are on folio 539 and in VI, folio 1.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 69, I, folio 497. It is endorsed: "This committee discharged May 14. Letter referred to the Board of War."

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 187.

A letter, of 24 January, and one, of 2 February, from Messrs. Hughes and Smith, with bills of exchange drawn by them on the Committee of Commerce, was read:

*Ordered*, That they be referred to the Board of Treasury.

A letter, of 21 April, from General Heath, was read:

*Ordered*, That it be referred to the Board of Treasury.

A report of 16 April, from the Board of War, was read:

*Ordered*, That it be referred to the Board of Treasury.

A petition from the Rev. Mons. Lotbinier, was read:

*Ordered*, That it be referred to the Board of Treasury.

Congress took into consideration the treaties concluded between the king of France and the United States of America, and after some time spent thereon, adjourned to 3 o'Clock.

#### THE TREATIES

LOUIS, par la grace de Dieu, Roy de France et de Navarre, à tous ceux, qui ces présentes lettres verront, SALUT.

Le Congrès des treize États-Unis de l'Amérique Septentrionale, nous ayant fait connoître par ses Plénipotentiaires résidant à Paris, son désir d'établir avec nous et nos États une bonne intelligence, et une parfaite correspondance, et nous ayant à cet effet proposé de conclure avec nous un Traité d'amitié et de commerce, nous avons jugé devoir donner aux dits États-unis, une preuve sensible de notre affection, en nous déterminant à accepter leur Propositions. A CES CAUSES, et autres bonnes considérations à ce nous mouvant, nous

LEWIS, by the grace of God king of France and Navarre, to all who shall see these presents, Greeting.

The Congress of the thirteen United States of North America having made known to us, by their plenipotentiaries residing at Paris, their desire to establish between us and our dominions a good understanding, and a perfect correspondence; and having for that purpose proposed to conclude with us a treaty of amity and commerce; and we having thought it our duty to give to the said states a sensible proof of our affection, by a determination to accept of their proposals: For these causes, and other good considerations us there-

confiant entièrement en la capacité et expérience, zèle et fidélité pour notre service de notre cher et aimé Conrad Alexandre Gérard, Syndic Royale de la ville de Strasbourg, Secrétaire de notre Conseil d'État, nous l'avons nommé commis et Député, et par ces présentes signées de notre main le nommons, commençons et députons notre Plénipotentiaire, lui donnant pouvoir et mandement spécial, pour, en notre nom, arrêter, conclure, et signer, avec les Plénipotentiaires des États-unis, munis également de leurs pouvoirs en bonne forme, tels Traité, Convention, et Articles de Commerce et de Navigation qu'il avisera bon être; voulant qu'il agisse avec le même autorité, que nous ferions ou pourrions faire, si nous étions présentes en personne, encore qu'il y eût quelque chose qui requit un mandement plus spécial, que ce qui est contenu en ces présentes. Promettant en foi et parole de Roi d'avoir agréable, tenir ferme et stable à toujours, accomplir et exécuter ponctuellement tout ce que notre dit cher et aimé Conrad Alexandre Gérard aura stipulé et signée en vertu du present Pouvoir, sans jamais y contrevenir, ni permettre qu'il y soit contrevenu, pour quelque cause et sous quelque prétexte que ce puisse être; comme aussi d'en faire expédier nos Lettres de Ratification en bonne forme, et de les faire délivrer, pour être échangées

unto moving, we, reposing entire confidence in the abilities, experience, zeal, and fidelity for our service of our dear and beloved Conrad Alexander Gérard, royal syndic of the city of Strasbourg, and secretary of our council of state, have nominated, appointed and commissioned, and by these presents signed with our hand, do nominate, appoint, and commission him our plenipotentiary, giving him power and special command for us, and in our name, to agree upon, conclude and sign with the plenipotentiaries of the United States, equally furnished in due form with full power, such treaty, convention, and articles of commerce and navigation, as he shall think proper, willing that he act with the same authority as we might or could act, if we were personally present, and even as though he had more special command than what is herein contained; promising in good faith and on the word of a king, to agree to, confirm, and establish forever, and to accomplish and execute punctually, all that our said dear and beloved Conrad Alexander Gérard shall stipulate and sign, by virtue of the present power, without contravening it in any manner, or suffering it to be contravened for any cause, or under any pretext whatsoever; and also to ratify the same in due form, and cause our ratification to be delivered and exchanged in the

dans le temps dont il sera convenu.  
CAR TEL EST NOTRE PLAISIR. En  
témoin de quoi nous avons fait  
mettre notre Scel à ces présentes.  
Donné à Versailles, ce trentième  
jour du mois du Janvier, l'an de  
grâce, mil sept cent soixante et  
dix huit, et de notre règne, le  
quatrième.

[L. s.]

LOUIS.

Par le Roy

GRAVIER DE VERGENNES.<sup>1</sup>

time that shall be agreed on. For  
such is our pleasure.

In testimony whereof, we have  
hereunto set our seal.

Done at Versailles, this thir-  
tieth day of January, in the year  
of our Lord, one thousand seven  
hundred and seventy-eight, and the  
fourth year of our reign.

[L. s.]

Signed,

LOUIS.

By the King.

GRAVIER DE VERGENNES.

The treaties are executed in  
French and English. The English  
is as follows:

TRAITÉ D'AMITIÉ ET DE COMMERCE.

TREATY OF AMITY AND COMMERCE.

Le Roi Très Chrétien et les treize  
Etats-unis de l'Amérique septen-  
trionale, savoir, New hampshire,  
La Baye de Massachusset, Rhode-  
Island, Connecticut, New York,  
New Jersey, Pensylvanie, les  
Comptés de Newcastle, de Kent  
et de Sussex sur la Delaware,  
Maryland, Virginie, Caroline sep-  
tentrionale, Caroline méridionale  
et Georgie, voulant établir d'une  
manière équitable et permanente,  
les règles qui devront être suivies  
relativement à la correspondance  
et au commerce, que les deux  
parties désirent d'établir entre  
leur Pais, États et sujets respec-  
tifs, Sa Majesté Très Chrétienne  
et lesdits États-unis ont jugé ne  
pouvoir mieux atteindre à ce but,

The most christian king and the  
thirteen United States of North  
America, viz. New Hampshire,  
Massachusetts Bay, Rhode Island,  
Connecticut, New York, New  
Jersey, Pennsylvania, Delaware,  
Maryland, Virginia, North Caro-  
lina, South Carolina and Georgia,  
willing to fix in an equitable and  
permanent manner the rules which  
ought to be followed relative to  
the correspondence and commerce  
which the two parties desire to es-  
tablish between their respective  
countries, states, and subjects; his  
most christian majesty and the said  
United States have judged that the  
said end could not be better ob-  
tained, than by taking, for the  
basis of their agreement, the most

<sup>1</sup>A copy of these powers, in the writing of Benjamin Franklin, is in the Department of State.

qu'en prenant pour base de leur arrangement l'égalité et la réciprocité la plus parfaite, et en observant d'éviter toutes les préférences onéreuses, source de discussions, d'embarras et de mécontentemens, de laisser à chaque partie la liberté de faire relativement au commerce et à la navigation, les réglemens intérieurs, qui seront à sa convenance, de ne fonder les avantages du commerce que sur son utilité réciproque et sur les loix<sup>1</sup> d'une juste concurrence, et de conserver ainsi de part et d'autre la liberté de faire participer, chacun selon son gré, les autres Nations aux mêmes avantages.

C'est dans cet esprit, et pour remplir ces vues, que sa dite Majesté ayant nommé et constitué pour son Plénipotentiaire le S<sup>r</sup>. Conrad Alexandre Gérard, Syndic royal de la Ville de Strasbourg, Secrétaire du Conseil d'Etat de sa Majesté, et les États-unis aiant, de leur côté, munis de leurs pleins-pouvoirs les S<sup>rs</sup>. Benjamin Franklin, Député au Congrès général de la part de l'État de Pensylvanie, et Président de la Convention du dit État, Silas Deane, ci-devant Député de l'État de Connecticut, et Arthur Lee, *Conseiller à loix*, les dits Plénipotentiaires respectifs, après l'échange de leurs pouvoirs, et après mure délibération, ont conclu et arrêté les points et articles suivans.

perfect equality and reciprocity, and by carefully avoiding all those burdensome preferences which are usually sources of debate, embarrassment, and discontent, by leaving also each party at liberty to make, respecting navigation and commerce, those interior regulations which it shall find most convenient to itself, and by founding the advantage of commerce solely upon reciprocal utility and the just rules of free intercourse, reserving withal to each party the liberty of admitting, at its pleasure, other nations to a participation of the same advantages. It is in the spirit of this intention, and to fulfil these views, that his said majesty, having named and appointed for his plenipotentiary, Conrad Alexander Gérard, royal syndic of the city of Strasburg, secretary of his majesty's council of state; and the United States on their part, having fully empowered Benjamin Franklin, deputy from the state of Pennsylvania to the general Congress, and president of the convention of said state, Silas Deane, late deputy from the state of Connecticut to the said Congress, and Arthur Lee, counsellor at law. The said respective plenipotentiaries, after exchanging their powers, and after mature deliberation, have concluded and agreed upon the following articles.

<sup>1</sup> Thomson wrote *règles*.

ARTICLE 1. Il y aura une paix ferme, inviolable et universelle et une amitié vraie et sincère entre le Roi Très Chrétien, ses héritiers et successeurs, et entre les États-unis de l'Amérique, ainsi qu'entre les sujets de sa Majesté Très Chrétienne et ceux des dits États, comme aussi entre les peuples, isles, villes et places situés sous la Juridiction du Roi Très Chrétien et des dits États-unis, et entre leurs peuples et habitants de toutes les classes, sans aucune exception des personnes et des lieux; Les conditions mentionnées au présent Traité, seront perpétuelles et permanentes entre le Roi Très Chrétien, ses héritiers et successeurs, et les dits États-unis.

ART. 2. Le Roi Très Chrétien et les États-unis s'engagent mutuellement à n'accorder aucune faveur particulière à d'autres nations, en fait de commerce et de navigation, qui ne devienne aussitôt commune à l'autre partie; et celle-ci jouira de cette faveur gratuitement, si la concession est gratuite, ou en accordant la même compensation, si la concession est conditionnelle.

ART. 3. Les sujets du Roi Très Chrétien ne paieront dans les Ports, havres, rades, contrées, Isles, cités et lieux des États-unis ou d'aucun d'entre eux d'autres ni plus grands droits ou impôts, de quelque nature qu'ils puissent

ARTICLE I. There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the most christian king, his heirs, and successors, and the United States of America, and the subjects of the most christian king and of the said states, and between the countries, islands, cities and towns situate under the jurisdiction of the most christian king, and of the said United States, and the people and inhabitants of every degree without exception of persons or places; and the terms hereinafter mentioned shall be perpetual between the most christian king, his heirs and successors, and the said United States.

ART. II. The most christian king and the United States engage, mutually, not to grant any particular favour to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or, on allowing the same compensation, if the concession was conditional.

ART. III. The subjects of the most christian king shall pay in the ports, havens, roads, countries, islands, cities or towns of the United States, or any of them, no other greater duties or imposts, of what nature soever they may



être, et quelque nom qu'ils puissent avoir, que ceux que les nations les plus favorisées sont, ou seront tenues de payer; et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions, en fait de négoce, navigation, et commerce, soit en passant d'un Port des dits Etats à un autre; soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit, dont les dites Nations jouissent ou jouiront.

ART. 4. Les sujets, peuples et habitants des dits États-unis et de chacun d'iceux ne paieront dans les Ports, havres, rades, Isles, villes et places de la Domination de sa Majesté Très Chrétienne en Europe d'autres ni plus grands droits ou impôts, de quelque nature qu'ils puissent être, et quelque nom qu'ils puissent avoir, que les nations les plus favorisées sont ou seront tenues de payer, et ils jouiront de tous les droits, libertés, privilèges, immunités et exemptions, en fait de négoce, navigation et commerce, soit en passant d'un port à un autre des dits États du Roi Très Chrétien en Europe, soit en y allant ou en revenant de quelque partie ou pour quelque partie du monde que ce soit dont les nations sus-dites jouissent ou jouiront.

ART. 5. Dans l'exemption ci-dessus est nommément compris l'imposition de cent sous par Ton-

be, or by what name soever called, than those which the nations most favoured are, or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, whether in passing from one port in the said states to another, or in going to or from the same, from and to any part of the world, which the said nations do or shall enjoy.

ART. IV. The subjects, people and inhabitants of the said United States, and each of them, shall not pay in the ports, havens, roads, isles, cities and places under the domination of his most christian majesty, in Europe, any other or greater duties or imposts, of what nature soever they may be, or by what name soever called, than those which the most favoured nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, whether in passing from one port in the said dominions in Europe to another, or in going to and from the same, from and to any part of the world, which the said nations do or shall enjoy.

ART. V. In the above exemption is particularly comprised the imposition of one hundred sous per

neau, établie en France sur les Navires étrangers, si ce n'est lorsque les Navires des États-unis chargeront des marchandises de France dans un port de France pour un autre port de la même Domination, au quel cas les dits navires des dits États-unis acquitteront le droit, dont il s'agit, aussi longtems que les autres nations les plus favorisées seront obligées de l'acquitter. Bien entendu, qu'il sera libre aux dits États-unis, ou à aucun d'iceux d'établir, quand ils le jugeront à propos, un droit équivalent à celui dont il est question, pour le même cas pour lequel il est établi dans les Ports de sa Majesté Très Chrétienne.

ART. 6. Le Roi Très Chrétien fera usage de tous les moyens, qui sont en son pouvoir, pour protéger et défendre tous les vaisseaux et effets, appartenants aux sujets, peuples et habitans des dits États-unis et de chacun d'iceux qui seront dans ses ports, havres ou rades, ou dans les mers près de ses Pays, Contrées, Isles, Villes, et places, et fera tous ses efforts pour recouvrer et faire restituer aux propriétaires légitimes, leurs agens ou mandataires, tous les vaisseaux et effets, qui leurs seront pris dans l'étendue de sa juridiction; Et les vaisseaux de guerre de sa Majesté Très Chrétienne ou les convois quelconque, faisant voile sous son autorité, prendront, en toute occasion, sous leur protec-

ton, established in France on foreign ships, unless when the ships of the United States shall load with merchandises of France for another port of the same dominion, in which case the said ships shall pay the duty abovementioned so long as other nations, the most favoured, shall be obliged to pay it. But it is understood that the said United States, or any of them, are at liberty when they shall judge it proper to establish a duty equivalent in the same case.

ART. VI. The most christian king shall endeavour, by all the means in his power, to protect and defend all vessels and the effects belonging to the subjects, people, or inhabitants of the said United States, or any of them, being in his ports, havens or roads, or on the seas near to his countries, islands, cities or towns, and to recover and restore to the right owners, their agents or attorneys, all such vessels and effects which shall be taken within his jurisdiction; and the ships of war of his most christian majesty, or any convoy sailing under his authority, shall upon all occasions take under their protection all vessels belonging to the subjects, people or inhabitants of the said United States,

tion tous les vaisseaux appartenants aux sujets, peuples et habitans des dits États-unis, ou d'aucun d'iceux, lesquels tiendront le même cours et feront la même route; et ils défendront les dits vaisseaux aussi longtems, qu'ils tiendront le même cours et suivront la même route, contre toute attaque, force ou violence, de la même manière qu'ils sont tenues de défendre et de protéger les vaisseaux appartenants aux sujets de sa Majesté Très Chrétienne.

ART. 7. Pareillement les dits États-unis et leurs vaisseaux de guerre, faisant voile sous leur autorité, protégeront et défendront, conformément au contenu de l'article précédent tous les vaisseaux et effets, appartenants aux sujets du Roi Très Chrétien et feront tous leurs efforts pour recouvrer et faire restituer les dits vaisseaux et effets, qui auront été pris dans l'étendue de la Jurisdiction des dits Etats et de chacun d'iceux.

ART. 8. Le Roi Très Chrétien emploiera ses bons offices et son entremise auprès des Roi ou Empereur de Maroc ou Fez, des Régences d'Alger, Tunis et Tripoli, ou auprès d'aucune d'entre elles, ainsi qu'auprès de tout autre Prince, État ou Puissance des côtes de Barbarie en Afrique, et des Sujets des dits Roi, Empereur, États et Puissance, et de chacun d'iceux, à l'effet de pourvoir aussi

or any of them, and holding the same course, or going the same way, and shall defend such vessels as long as they hold the same course, or go the same way, against all attacks, force or violence, in the same manner as they ought to protect and defend the vessels belonging to the subjects of the most christian king.

ART. VII. In like manner the said United States, and their ships of war sailing under their authority, shall protect and defend, conformably to the tenor of the preceding article, all the vessels and effects belonging to the subjects of the most christian king, and use all their endeavours to recover, and cause to be restored, the said vessels and effects that shall have been taken within the jurisdiction of the said United States, or any of them.

ART. VIII. The most christian king will employ his good offices and interposition with the king or emperor of Morocco, or Fez, the regencies of Algiers, Tunis and Tripoli, or with any of them, and also with every other prince, state or power of the coast of Barbary, in Africa, and with the subjects of the said king, emperor, states and powers, and each of them, in order to provide as fully and efficaciously

pleinement et aussi efficacement qu'il sera possible, à l'avantage, commodité et sûreté des dits États-unis et de chacun d'iceux, ainsi que de leurs sujets, peuples et habitans, leur Vaisseaux et effets contre toute violence, insulte, attaque ou déprédation de la part des dits Princes et États Barbaresques ou de leurs sujets.

ART. 9. Les sujets, habitans, marchands, Commandans des Navires, Maîtres et gens de mer des États, Provinces et Domaines des deux parties, s'abstiendront et éviteront réciproquement, de pêcher dans toutes les places possédées, ou qui seront possédées, par l'autre partie. Les sujets de sa Majesté Très Chrétienne ne pêcheront pas dans les havres, Bayes, criques, rades, côtes et places que les dits États-unis possèdent ou posséderont à l'avenir. Et de la même manière les sujets, peuples et habitans des dits États-unis ne pêcheront pas dans les havres, Bayes, criques, rades, Côtes et places, que sa Majesté Très Chrétienne possède actuellement, ou possèdera à l'avenir; Et si quelque navire ou Bâtiment étoit surpris pêchant en violation du présent Traité, le dit Navire ou Bâtiment et sa Cargaison seront confisqués, après que la preuve en aura été faite dûment. Bien entendu que l'exclusion stipulée dans le présent article n'aura lieu qu'autant et si longtemps que le Roi et les États-

as possible for the benefit, conveniency and safety of the said United States, and each of them, their subjects, people and inhabitants, and their vessels and effects against all violence, insult, attacks or depredations, on the part of the said princes and states of Barbary, or their subjects.

ART. IX. The subjects, inhabitants, merchants, commanders of ships, masters and mariners of the states, provinces and dominions of each party, respectively, shall abstain and forbear to fish in all places possessed, or which shall be possessed, by the other party. The most christian king's subjects shall not fish in the havens, bays, creeks, roads, coasts or places, which the said United States hold or shall hereafter hold; and in like manner the subjects, people and inhabitants of the said United States shall not fish in the havens, bays, creeks, roads, coasts or places which the most christian king possesses, or shall hereafter possess; and if any ship or vessel shall be found fishing contrary to the tenor of this treaty, the said ship or vessel with its lading, proof being made thereof, shall be confiscated. It is however understood, that the exclusion stipulated in the present article shall take place only so long and so far as the most christian king or the United States shall not, in

unis n'auront point accordé à cet égard d'exception à quelque Nation que ce puisse être.

ART. 10. Les États-unis, leurs citotens et habitans ne troubleront jamais les sujets du Roi Très Chrétien dans la jouissance et exercice du droit de pêche sur les bancs de terre neuve, non plus que dans la jouissance indéfinie et exclusive qui leur appartient sur la partie des Côtes de cette Isle désignée dans le Traité d'Utrecht, ni dans les droits relatifs à toutes et chacune des Isles qui appartiennent à sa Majesté Très Chrétienne. le tout conformément au véritable sens des Traités d'Utrecht et de Paris.

ART. 11. Il est convenu et arrêté qu'il ne sera jamais imposé aucun droit sur l'exportation des melasses qui pourront être tirées par les sujets d'aucun des Etats-unis des Isles d'Amérique qui appartient ou pourront appartenir à sa Majesté Très Chrétienne.

ART. 12. En compensation de l'exemption stipulée par l'article précédent, il est convenu et arrêté, qu'il ne sera jamais imposé aucun droit sur l'exportation d'aucune espèce de denrées et marchandises que les sujets de sa Majesté Très Chrétienne pourront tirer des Pays ou possessions actuelles ou futures d'aucun des treize États-

this respect, have granted an exemption to some other nation.

ART. X. The United States, their citizens and inhabitants, shall never disturb the subjects of the most christian king in the enjoyment and exercise of the right of fishing on the banks of Newfoundland, nor in the indefinite and exclusive right which belongs to them on that part of the coast of that island which is designed by the treaty of Utrecht, nor in the rights relative to all and each of the isles which belong to his most christian majesty; the whole conformable to the true sense of the treaties of Utrecht and Paris.

ART. XI. It is agreed and concluded, that there shall never be any duty imposed on the exportation of molasses that may be taken by the subjects of any of the United States from the islands of America, which belong, or may hereafter appertain, to his most christian majesty.

ART. XII. In compensation of the exemption stipulated by the preceding article, it is agreed and concluded, that there shall never be any duties imposed on the exportation of any kind of merchandise which the subjects of his most christian majesty may take from the countries and possessions present or future of any of the thirteen United States, for the use of

unis pour l'usage des Isles qui fournissent les melasses.

ART. 13. Les sujets et habitans des dits États-unis ou de l'un d'eux ne seront point réputés Aubains en France et conséquemment seront exempts du droit d'Aubaine ou autre droit semblable, quelque nom qu'il puisse avoir; pourront disposer par Testament, Donation, ou autrement de leurs biens meubles et immeubles en faveur de telles personnes que bon leur semblera; Et leurs héritiers, sujets des dits États-unis, résidant, soit en France, soit ailleurs, pourront leur succéder *ab intestat*, sans qu'ils aient besoin d'obtenir des lettres de naturalité, et sans que l'effet de cette concession leur puisse être contesté ou empêché sous prétexte de quelques droits ou prérogatives des Provinces, Villes, ou personnes privées. Et seront les dits héritiers, soit à titre particulier, soit *ab intestat*, exempts de tout droit de détraction ou autre droit de ce genre, sauf néanmoins les droits locaux, tant et si long tems qu'il n'en sera point établi de pareils par les dits États-unis ou aucun d'iceux. Les sujets du Roi Très Chrétien jouiront de leur côté, dans tous les Domaines des dits Etats d'une entière et parfaite réciprocité relativement aux stipulations renfermées dans le présent article. Mais il est convenu en même tems, que son contenu

the islands which shall furnish molasses.

ART. XIII. The subjects and inhabitants of the said United States, or any one of them, shall not be reputed *aubains* in France, and consequently shall be exempted from the droit d'aubaine, or other similar duty under what name soever. They may by testament, donation, or otherwise, dispose of their goods, moveable and immoveable, in favour of such persons as to them shall seem good; and their heirs, subjects of the said United States, residing, whether in France or elsewhere, may succeed them *ab intestato*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or prerogatives of provinces, cities, or private persons; and the said heirs, whether such by particular title, or *ab intestato*, shall be exempt from all duty called droit de detraction, or other duty of the same kind; saving, nevertheless, the local rights or duties, as much and as long as similar ones are not established by the United States, or any of them. The subjects of the most christian king shall enjoy, on their part, in all the dominions of the said states, an entire and perfect reciprocity relative to the stipulations contained in the present article. But

en portera aucune atteinte aux loix promulguées en France contre les émigrations, ou qui pourront être promulguées dans la suite, les quelles demeureront dans toute leur force et vigueur. Les Etats-unis de leur côté ou aucun d'entr'eux, seront libres de statuer sur cette matière telle loi qu'ils jugeront à propos.

ART. 14. Les Navires Marchands des deux parties qui seront destinés pour des Ports appartenants à une Puissance ennemie de l'autre allié, et dont le voyage ou la nature des marchandises dont ils seront chargés donneroient de justes soupçons, seront tenus d'exhiber, soit en haute mer, soit dans les Ports et Havres, non seulement leurs passeports, mais encore les Certificats qui constateront expressément que leur chargement n'est pas de la qualité de ceux qui sont prohibés comme contrebande.

ART. 15. Si l'exhibition des dits Certificats conduit à découvrir que le Navire porte des marchandises prohibées et réputées contrebande, consignées pour un Port ennemi, il ne sera pas permis de briser les écoutilles des dits navires, d'ouvrir aucune Caisse, Coffre, Malle, Bal-lots, Tonneaux et autres Caisses qui s'y trouveront, ou d'en déplacer et détourner la moindre partie des marchandises, soit que le Navire appartienne aux sujets du Roi

it is at the same time agreed, that its contents shall not affect the laws made, or that may be made hereafter in France, against emigrations, which shall remain in all their force and vigour; and the United States, on their part, or any of them, shall be at liberty to enact such laws, relative to that matter, as to them shall seem proper.

ART. XIV. The merchant ships of either of the parties which shall be making into a port belonging to the enemy of the other ally, and concerning whose voyage and the species of goods on board them, there shall be just grounds of suspicion, shall be obliged to exhibit, as well upon the high seas as in the ports and havens, not only their passports, but likewise certificates, expressly showing that their goods are not of the number of those which have been prohibited as contraband.

ART. XV. If by the exhibiting of the above said certificates the other party discovers there are any of those sorts of goods which are prohibited and declared contraband, and consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, or to open any chest, coffers, packs, casks, or any other vessels found therein, or to remove the smallest parcels of her goods, whether such ship

Très Chrétien, ou aux habitans des États-unis, jusqu'à ce que la Cargaison ait été mise à terre, en présence des Officiers des Cours d'amirauté, et que l'Inventaire en ait été fait, mais on ne permettra pas de vendre, échanger ou aliéner les navires ou leur Cargaison en manière quelconque, avant que le procès ait été fait et parfait légalement pour déclarer la contrebande, et que les Cours d'Amirauté aient prononcé leur confiscation par Jugement, sans préjudice néanmoins des Navires, ainsi que des marchandises qui en vertu du Traité doivent être censés libres: Il ne sera pas permis de retenir ces marchandises sous prétexte qu'elles ont été entachées par les marchandises de Contrebande, et bien moins encore de les confisquer comme des prises légales. Dans le cas où une partie seulement, et non la totalité du chargement, consisteroit en marchandises de Contrebande, et que le Commandant du Vaisseau consente à les délivrer au Corsaire, qui les aura découvertes, alors le Capitaine, qui aura fait la prise après avoir reçu ces marchandises doit incontinent relâcher le Navire et ne doit l'empêcher, en aucune manière, de continuer son voyage. Mais dans le cas, où les marchandises de contrebande ne pourroient pas être toutes chargées sur le vaisseau capteur, alors le Capitaine du dit

belongs to the subjects of France or the inhabitants of the said United States, unless the lading be brought on shore, in the presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same in any manner until after that due and lawful process shall have been had against such prohibited goods, and the court of admiralty shall, by a sentence pronounced, have confiscated the same; saving always, as well the ship itself, as any other goods found therein, which by this treaty are to be esteemed free; neither may they be detained on pretence of their being as it were infected by the prohibited goods; much less shall they be confiscated, as lawful prize; but if not the whole cargo, but only part thereof, shall consist of prohibited or contraband goods, and the commander of the ship shall be ready and willing to deliver them to the captor, who has discovered them; in such case, the captor having received those goods, shall forthwith discharge the ship, and not hinder her by any means freely to prosecute the voyage on which she was bound; but in case the contraband merchandise cannot be all received on board the vessel of the captor, then the captor may, notwithstanding the offer of delivering



Vaisseau sera le maître, malgré l'offre de remettre la contrebande, de conduire le patron dans le plus prochain port, conformément à ce qui est prescrit plus haut.

ART. 16. On est convenu au contraire que tout ce qui se trouvera chargé par les sujets respectifs sur des Navires appartenans aux ennemis de l'autre partie, ou à leurs sujets sera confisqué sans distinction des marchandises prohibées ou non prohibées, ainsi et de même que si elles appartiennent à l'ennemi, à l'exception toutefois des effets et marchandises qui auront été mis abord des dits navires avant la déclaration de guerre, ou même après la dite déclaration, si au moment du chargement on a pu l'ignorer, de manière que les marchandises des sujets des deux parties, soit qu'elles se trouvent du nombre de celles de contrebande ou autrement, lesquelles comme il vient d'être dit auront été mises abord d'un Vaisseau appartenant à l'ennemi avant la guerre ou même après la dite déclaration, lorsqu'on l'ignoroit, ne seront, en aucune manière, sujettes à confiscation, mais seront fidèlement et de bonne foi rendues sans délai à leurs propriétaires qui les réclameront, bien entendu néanmoins qu'il ne soit pas permis de porter dans les Ports ennemis les marchandises qui seront contrebande. Les deux parties contractantes con-

him the contraband goods, carry the vessel into the nearest port, agreeable to what is above directed.

ART. XVI. On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, the whole, although it be not of the sort of prohibited goods, may be confiscated in the same manner as if it belonged to the enemy, except such goods and merchandise as were put on board such ship before the declaration of war, or even after such declaration, if so be it were done without the knowledge of such declaration; so that the goods of the subjects and people of either party, whether they be of the nature of such as are prohibited, or otherwise, which, as is aforesaid, were put on board any ship belonging to an enemy before the war, or after the declaration of the same, without the knowledge of it, shall no ways be liable to confiscation; but shall well and truly be restored, without delay, to the proprietors demanding the same; but so as that, if the said merchandise be contraband, it shall not be any ways lawful to carry them afterwards to any ports belonging to the enemy. The two contracting parties agree, that the term of two

viennent que le terme de deux mois passés depuis la déclaration de guerre, leurs sujets respectifs, de quelque partie du monde qu'ils viennent ne pourront plus alléguer l'ignorance dont il est question dans le présent article.

ART. 17. Et afin de pouvoir plus efficacement à la sûreté des sujets des deux parties contractantes, pour qu'il ne leur soit fait aucun préjudice par les Vaisseaux de guerre de l'autre partie ou par des Armateurs particuliers, il sera fait défense à tous Capitaines des Vaisseaux de sa Majesté Très Chrétienne et des dits États-unis, et à tous leurs sujets de faire aucun dommage ou insulte à ceux de l'autre partie, et au cas où ils y contreviendroient, ils en seront punis et de plus ils seront tenus et obligés en leurs personnes et en leurs biens de réparer tous les dommages et intérêts.

ART. 18. Tous Vaisseaux et Marchandises de quelque nature que ce puisse être, lorsqu'ils auront été enlevés des mains de quelques Pirates en pleine mer, seront amenés dans quelque Port de l'un des deux États, et seront remis à la garde des Officiers du dit Port, afin d'être rendus en entier, à leur véritable propriétaire, aussitôt qu'il aura dûment et suffisamment fait constater de sa propriété.

months being passed after the declaration of war, their respective subjects from whatever part of the world they come, shall not plead the ignorance mentioned in this article.

ART. XVII. And that more effectual care may be taken for the the security of the subjects and inhabitants of both parties, that they suffer no injury by the men of war or privateers of the other party, all the commanders of the ships of his most christian majesty, and of the said United States, and all their subjects and inhabitants, shall be forbid doing any injury or damage to the other side; and if they act to the contrary, they shall be punished, and shall moreover be bound to make satisfaction for all matter of damage, and the interest thereof, by reparation, under the pain and obligation of their persons and goods.

ART. XVIII. All ships and merchandise, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

ART. 19. Les vaisseaux de guerre de sa Majesté Très Chrétienne et ceux des États-unis, de même que ceux que leurs sujets auront armés en guerre, pourront, en toute liberté, conduire où bon leur semblera les prises qu'ils auront faites sur leurs ennemis, sans être obligés à aucuns droits, soit des S<sup>rs</sup>. Amiraux ou de l'Amirauté, ou d'aucuns autres, sans qu'aussi les dits Vaisseaux ou les dites prises, entrant dans les havres ou Ports de sa Majesté Très Chrétienne ou des dits États-unis, puissent être arrêtés ou saisis ni que les officiers des lieux puissent prendre connoissance de la validité des dites prises, lesquelles pourront sortir et être conduites franchement et en toute liberté aux lieux portés par les Commissions dont les Capitaines des dits Vaisseaux seront obligés de faire apparoir. Et au contraire ne sera donné asile ni retraite dans leurs ports ou havres à ceux qui auront fait des prises sur les sujets de sa Majesté ou des dits États-unis; et s'ils sont forcés d'y entrer par tempête ou péril de la mer, on les fera sortir le plutôt qu'il sera possible.

ART. 20. Dans le cas où un vaisseau appartenant à l'un des deux États ou à leurs sujets, aura échoué, fait naufrage ou souffert quelque autre dommage, sur les Côtes ou sous la Domination de l'une des deux parties, il sera donné

ART. XIX. It shall be lawful for the ships of war of either party, and privateers, freely to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty, or any other judges; nor shall such prizes be arrested or seized when they come to, and enter the ports of the other party; nor shall the searcher or other officers of those places search the same, or make examination concerning the lawfulness of such prizes, but they may hoist sail at any time, and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show. On the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either of the parties; but if such shall come in, being forced by stress of weather, or the danger of the sea, all proper means shall be vigorously used, that they go out and retire from thence as soon as possible.

ART. XX. If any ship belonging to either of the parties, their people or subjects, shall, within the coast or dominions of the other, stick upon the sands, or be wrecked, or suffer any other damage, all friendly assistance and relief shall

toute aide et assistance amiable aux personnes naufragées ou qui se trouvent en danger, et il leur sera accordé des sauf-conduits, pour assurer leur passage et leur retour dans leur patrie.

ART. 21. Lorsque les sujets et habitans de l'une des deux parties avec leurs vaisseaux, soit publics et de guerre, soit particuliers et marchands, seront forcés par une tempête, par la poursuite des Pirates et des ennemis, ou par quelque autre nécessité urgente, de chercher refuge et un abri, de se retirer et entrer dans quelque une des Rivières, Bayes, rades ou Ports de l'une des deux parties, ils seront reçus et traités avec humanité,<sup>1</sup> et jouiront de toute amitié, protection et assistance, et il leur sera permis de se pourvoir de rafraîchissemens, de vivres et de toutes choses nécessaires pour leur subsistance, pour leur réparation de leurs Vaisseaux, et pour continuer leur voyage, le tout moyennant un prix raisonnable; et ils ne seront retenus en aucune manière, ni empêchés de sortir des dits ports ou rades, mais pourront se retirer et partir quand et comme il leur plaira, sans aucun obstacle ou empêchement.

ART. 22. Afin de promouvoir d'autant mieux le Commerce des deux Côtés, il est convenu, que,

be given to the persons shipwrecked, or such as shall be in danger thereof. And letters of safe conduct shall likewise be given to them for their free and quiet passage from thence, and the return of every one to his own country.

ART. XXI. In case the subjects and inhabitants of either party, with their shipping, whether publick and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays, roads or ports belonging to the other party, they shall be received and treated with all humanity and kindness, and enjoy all friendly protection and help; and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships, and conveniency of their voyage, and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance.

ART. XXII. For the better promoting of commerce of both sides, it is agreed, that if a war should

<sup>1</sup> The French (official) issue here adds the words "et honnêteté."

dans le cas où la guerre survient droit entre les deux Nations susdites, il sera accordé six mois après la déclaration de guerre aux marchands dans les Villes et Cités qu'ils habitent, pour rassembler et transporter les marchandises, et s'il en est enlevé quelque chose, ou s'il leur a été fait quelque injure durant le terme prescrit ci-dessus, par l'une des deux parties, leur peuples ou sujets, il leur sera donné à cet égard pleine et entière satisfaction.

ART. 23. Aucun sujet du Roi Très Chrétien ne prendra de commission ou de lettres de marque pour armer quelque vaisseau ou vaisseaux, à l'effet d'agir comme Corsaire contre les dits États-unis ou quelques uns d'entre eux, ou contre les sujets, peuples ou habitants d'iceux, ou contre leur propriété, ou celle des habitants d'aucun d'entre eux, de quelque Prince, que ce soit, avec lequel les dits États-unis seront en guerre. De même, aucun Citoyen, sujet ou habitants des sus-dits États-unis et de quelqu'un d'entre eux, ne demandera ni acceptera aucune commission ou lettres de marque pour armer quelque vaisseau, ou vaisseaux pour courre-sus aux sujets de sa Majesté Très Chrétienne, ou quelqu'un d'entre eux, ou leur propriété, de quelque Prince ou État que ce soit, avec qui sa dite Majesté se trouvera en guerre, et si quelqu'un de l'une ou de l'autre

break out between the said two nations, six months after the proclamation of war shall be allowed to the merchants, in the cities and towns where they live, for selling and transporting their goods and merchandises; and if any thing be taken from them, or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same.

ART. XXIII. No subjects of the most christian king shall apply for, or take any commission or letter of marque for arming any ship or ships to act as privateers against the said United States, or any of them, or against the subjects, people or inhabitants of the said United States, or any of them, or against the property of any of the inhabitants of any of them, from any prince or state with which the said United States shall be at war; nor shall any citizen, subject or inhabitant of the said United States, or any of them, apply for, or take any commission or letters of marque for arming any ship or ships, to act as privateers against the subjects of the most christian king, or any of them, or the property of any of them, from any prince or state with which the said king shall be at war; and if any person of either nation shall take such com-

Nation prenoit de pareilles commissions ou lettres de marque, il sera puni comme Pirate.

ART. 24. Il ne sera permis à aucun Corsaire étranger, non appartenant à quelque sujet de sa Majesté Très Chrétienne ou à un Citofen des dits États-unis, lequel aura une commission de la part d'un Prince ou d'une Puissance en guerre avec l'une des deux Nations, d'armer leur Vaisseaux dans les Ports de l'une des deux parties, ni d'y vendre les prises qu'il aura faites, ni décharger en autre manière quelconque les Vaisseaux, marchandises ou aucune partie de leur Cargaison; Il ne sera même pas permis d'acheter d'autres vivres que ceux qui lui seront nécessaires pour se rendre dans le Port le plus voisin du Prince ou de l'État dont il tient sa commission.

ART. 25. Il sera permis à tous et à chacun des sujets du Roi Très Chrétien, et aux Citofens, peuples et habitans des susdits États-unis de naviguer avec leurs Bâtimens avec toute liberté et sûreté, sans qu'il puisse être fait d'exception à cet égard, à raison des propriétaires des marchandises chargées sur les dits Bâtimens venant de quelque Port que ce soit, et destinés pour quelque place d'une Puissance actuellement ennemie, ou qui pourra l'être dans la suite de sa Majesté Très Chrétienne ou des États unis. Il sera permis

missions or letters of marque, he shall be punished as a pirate.

ART. XXIV. It shall not be lawful for any foreign privateers not belonging to the subjects of the most christian king, nor citizens of the said United States, who have commissions from any other prince or state at enmity with either nation, to fit their ships in the ports of either the one or the other of the aforesaid parties, to sell what they have taken, or in any other manner whatsoever to exchange their ships, merchandises, or any other lading; neither shall they be allowed even to purchase victuals, except such as shall be necessary for their going to the next port of that prince or state from which they have commissions.

ART. XXV. It shall be lawful for all and singular the subjects of the most christian king, and the citizens, people and inhabitants of the said United States, to sail with their ships with all manner of liberty and security, no distinction being made, who are the proprietors of the merchandise laden thereon, from any port to the places of those who now are, or hereafter shall be, at enmity with the most christian king, or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid to sail with their ships

également aux sujets et habitans sus-mentionnés, de naviguer avec leurs Vaisseaux et marchandises, et de fréquenter avec la même liberté et sûreté les Places, Ports, et Havres des Puissances ennemies des deux parties contractantes, ou d'une d'entre elles, sans opposition ni trouble et de faire el Commerce non seulement directement des Ports de l'ennemi susdit à un port neutre, mais aussi d'un Port ennemi, à un autre port ennemi, soit qu'il se trouve sous sa juridiction ou sous celle de plusieurs; Et il est stipulé par le présent Traité, que les Bâtimens libres assureront également la liberté des marchandises, et qu'on jugera libres toutes les choses qui se trouveront à bord des Navires appartenants aux sujets d'une des parties contractantes, quand même le chargement ou partie d'icelui appartiendrait aux ennemis de l'une des deux, bien entendu, néanmoins que la contrebande sera toujours exceptée. Il est également convenu que cette même liberté s'étendrait aux personnes qui pourroient se trouver à bord du Bâtiment libre, quand même elles seroient ennemies de l'une des deux parties contractantes, et elles ne pourrout être enlevées des dits Navires, à moins qu'elles ne soient militaires, et actuellement au service de l'ennemi.

ART. 26. Cette liberté de navigation et de commerce doit s'éten-

and merchandises aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned to neutral places, but also from one place belonging to an enemy to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is hereby stipulated, that free ships shall also give a freedom to goods; and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading or any part thereof, should appertain to the enemies of either, contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers, and in actual service of the enemies.

ART. XXVI. This liberty of navigation and commerce shall ex-

dre sur toutes sortes de marchandises, à l'exception seulement de celles qui sont designées sous le nom de contrebande. Sous ce nom de contrebande ou de marchandises prohibées doivent être compris les armes, canons, bombes avec leurs fusées et autres choses y relatifs, boulets, poudre à tirer, mèches, piques, épées, lances, dards, halberdes, mortiers, pétards, grenades, salpêtre, fusils, Balles, Boucliers, Casques, Cuirasses, Cotes de mailles, et autres armes de cette espèce propres à armer les soldats, porte mousquetons, baudriers, chevaux avec leurs Équipages, et tous autres instrumens de guerre quelconques. Les marchandises dénommées ci-après ne seront pas comprises parmi la contrebande ou choses prohibées, savoir, toutes sortes de draps, et toutes autres étoffes de laine, lin, soye, coton, ou d'autres matières quelconques; Toutes sortes de vêtements avec les étoffes dont on a coutume de les faire, l'or, et l'argent monnoyé ou non, l'étain, le fer, laiton, cuivre, airain, charbons, de même que le froment et l'orge, et toute autre sorte de blés et légumes; le tabac, et toutes les sortes d'épiceries, la viande salée et fumée, poisson salé, fromage et beurre, bierre, huiles, vins, sucres et toute espèce de sel, et en général toutes provisions servant pour la nourriture de l'homme et pour le soutien de la vie; De plus toutes

tend to all kinds of merchandises, excepting those only which are distinguished by the name of contraband; and under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs with their fusees, and other things belonging to them, cannon ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, muskets, musketballs, bucklers, helmets, breastplates, coats of mail, and the like kind of arms proper for arming soldiers, musket rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandises which follow shall not be reckoned among contraband or prohibited goods, that is to say, all sorts of cloths and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever, all kinds of wearing apparel, together with the species whereof they are used to be made, gold and silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals, as also wheat and barley, and any other kind of corn and pulse, tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oil, wines, sugars, and all sorts of salts, and, in general, all provisions which serve for the nourishment of mankind and the sustenance of life. Furthermore, all kinds of cotton,



sortes de coton, de chanvre, lin, goudron, poix, cordes, cables, voiles, toiles à voiles, ancres, parties d'ancres, mâts, planches, madriers, et bois de toute espèce, et toutes autres choses propres à la construction et réparation des Vaisseaux, et autres matières quelconques qui n'ont pas la forme d'un instrument préparé pour la guerre par terre comme par mer, ne seront pas réputées contrebande, et encore moins celles qui sont déjà préparées pour quelque autre usage: Toutes les choses dénommées ci-dessus doivent être comprises parmi les marchandises libres de même que toutes les autres marchandises et effets qui ne sont pas compris et particulièrement nommé dans l'énumération des marchandises de contrebande; De manière qu'elles pourront être transportées et conduites de la manière la plus libre par les sujets des deux parties contractantes dans des places ennemies, à l'exception néanmoins de celles qui se trouveroient actuellement assiégées, bloquées ou investies.

ART. 27. Afin d'écarter et de prévenir de part et d'autre, toutes dissensions et querelles, il a été convenu, que, dans le cas où l'une des deux parties se trouveroit engagée dans une guerre, les Vaisseaux et Bâtimens appartenants aux Sujets ou Peuple de l'autre Allié devront être pourvus de let-

hemp, flax, tar, pitch, ropes, cables, sails, sail cloths, anchors and any parts of anchors, also ships' masts, planks, boards, and beams, of what trees soever, and all other things proper either for building or repairing ships, and all other goods whatever, which have not been worked into the form of any instrument or thing prepared for war by land or by sea, shall not be reputed contraband, much less such as have been already wrought, and made up for any other use; all which shall be wholly reckoned among free goods; as likewise all other merchandises and things which are not comprehended, and particularly mentioned in the foregoing enumeration of contraband goods; so that they may be transported and carried in the freest manner, by the subjects of both confederates, even to places belonging to an enemy; such towns or places being only excepted, as are at that time besieged, blocked up, or invested.

ART. XXVII. To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be

tres de mer ou passeports, lesquels exprimeront le nom, la propriété et le port du navire, ainsi que le nom et la demeure du maître ou Commandant du dit Vaisseau, afin qu'il apparaisse par là que le même vaisseau appartient réellement et véritablement aux sujets de l'une des deux parties contractantes; Lequel passeport devra être expédié selon le modèle annexé au présent Traité. Ces passeports devront également être renouvelés chaque année dans le cas, où le Vaisseau retourne chez lui dans l'espace d'une année. Il a été convenu également que les Vaisseaux susmentionnés, dans le cas où ils seroient chargés, devront être pourvu non seulement de passeports, mais aussi de Certificats contenant le détail de la Cargaison, le lieu d'où le vaisseau est parti et la déclaration des marchandises de Contrebande qui pourroient se trouver à bord; lesquels Certificats devront être expédiés dans la forme accoutumée, par les officiers du lieu d'où le vaisseau aura fait voile; et s'il étoit jugé utile ou prudent d'exprimer dans les dits passeports la personne, à laquelle les marchandises appartiennent, on pourra le faire librement.

ART. 28. Dans le cas où les Vaisseaux des sujets et habitans de l'une des deux parties contractantes approcheroient des côtes de

furnished with sea letters, or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby that the ship really and truly belongs to the subjects of one of the parties; which passport shall be made out and granted according to the form annexed to this treaty: they shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden, are to be provided, not only with passports, as abovementioned, but also with certificates containing theseveral particulars of the cargo, the place whence the ship sailed, and whither she is bound, so that it may be known whether any forbidden or contraband goods be on board of the same; which certificates shall be made out by the officers of the place whence the ship set sail, in the accustomed form. And if any one shall think it fit, or advisable, to express in the said certificates the persons to whom the goods belong, he may freely do so.

ART. XXVIII. The ships of the subjects and inhabitants of either of the parties, coming upon any coast belonging to either of the

l'autre, sans cependant avoir le dessein d'entrer dans le port, ou après être entré sans avoir le dessein de décharger la Cargaison ou rompre leur charge, on se conduira à leur égard suivant les réglemens généraux prescrits ou à prescrire relativement à l'objet dont il est question.

ART. 29. Lorsqu'un Bâtiment, appartenant aux dits sujets, peuple et habitans de l'une des deux parties, sera rencontré naviguant le long des Côtes ou en pleine mer, par un vaisseau de guerre de l'autre, ou par un Armateur; le dit Vaisseau de guerre ou Armateur, afin d'éviter tout désordre, se tiendra hors de la portée du Canon, et pourra envoyer sa Chaloupe à bord du Bâtiment marchand, et y faire entrer deux ou trois hommes auxquels le Maître ou Commandant du Bâtiment montrera son passeport, lequel devra être conforme à la formule annexée au présent Traité, et constatera la propriété du Bâtiment, et après que le dit Bâtiment aura exhibé un pareil passeport, il lui sera libre de continuer son voyage; et il ne sera pas permis de le molester ni de chercher en aucune manière, de lui donner la chasse ou de le forcer de quitter la course qu'il s'étoit proposée.

ART. 30. Il est convenu que lorsque les marchandises auront été chargées sur les Vaisseaux ou

said allies, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes, or break bulk, they shall be treated according to the general rules prescribed, or to be prescribed, relative to the object in question.

ART. XXIX. If the ships of the subjects, people or inhabitants of either of the parties shall be met with sailing along the coasts, or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war, or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats on board the merchant ship which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport concerning the property of the ship, made out according to the form inserted in this present treaty; and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her, in any manner, or to give her chase, or force her to quit her intended course.

ART. XXX. It is also agreed, that all goods, when once put on board the ships and vessels of either

Bâtimens de l'une des deux parties contractantes, elles ne pourront plus être assujetties à aucune visite; toute visite et recherche devant être faites avant le chargement, et les marchandises prohibées devant être arrêtées et saisies sur la plage avant de pouvoir être embarquées, à moins qu'on n'ait des indices manifestes ou des preuves de versements frauduleux. De même aucun des Sujets de sa Majesté Très Chrétienne ou des Etats-unis, ni leur marchandises ne pourront être arrêtés ni molestés pour cette cause par aucune espèce d'embar-go; Et les seuls sujets de l'état, auxquels les dites marchandises auront été prohibées, et qui se seront émancipés à vendre et aliéner de pareilles marchandises, seront dûment punis pour cette convention.

ART. 31. Les deux parties contractantes se sont accordées mutuellement la faculté de tenir dans leurs ports respectifs des Consuls, Vice-Consuls, Agens et Commissaires dont les fonctions seront réglées par une Convention particulière.

ART. 32. Pour d'autant plus favoriser et faciliter le Commerce que les sujets des Etats-unis feront avec la France, le Roi Très Chrétien leur accordera en Europe un ou plusieurs ports francs, dans lesquels ils pourront amener et débiter toutes les denrées et mar-

of the two contracting parties, shall be subject to no further visitation, but all visitation, or search, shall be made beforehand, and all prohibited goods shall be stopped on the spot, before the same be put on board, unless there are manifest tokens or proofs of fraudulent practice. Nor shall either the persons or goods of the subjects of his most christian majesty, or the United States, be put under any arrest, or molested by any other kind of embargo for that cause; and only the subject of that state to whom the said goods have been, or shall be prohibited, and who shall presume to sell, or alienate such sort of goods, shall be duly punished for the offence.

ART. XXXI. The two contracting parties grant, mutually, the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries, whose functions shall be regulated by a particular agreement.

ART. XXXII. And the more to favour and facilitate the commerce which the subjects of the United States may have with France, the most christian king will grant them, in Europe, one or more free ports, where they may bring and dispose of all the produce and mer-

chandises provenant des treize États-unis; Sa Majesté conservera d'un autre côté aux Sujets des dits États les ports francs qui ont été et sont ouverts dans les Isles françaises de l'Amérique. De tous lesquels Ports francs les dits sujets des États-unis jouiront conformément aux réglemens qui en déterminent l'usage.

ART. 33. Le présent Traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de six mois ou plutôt si faire se peut.

EN FOI DE QUOI les Plénipotentiaires respectifs ont signé les articles ci-dessus, tant en langue française qu'en langue Angloise; Déclarant néanmoins que le présent Traité a été originairement rédigé et arrêté en langue française; Et ils y ont apposé le cachet de leurs armes.

FAIT à Paris le sixième jour du mois de Février mil sept cent soixante dix huit.

C. A. GERARD [L. S.]

B. FRANKLIN [L. S.]

SILAS DEANE [L. S.]

ARTHUR LEE [L. S.]

chandise of the thirteen United States; and his majesty will also continue to the subjects of the said states the free ports which have been and are open in the French Islands of America; of all which free ports, the said subjects of the United States shall enjoy the use, agreeable to the regulations which relate to them.

ART. XXXIII. The present treaty shall be ratified on both sides, and the ratifications shall be exchanged, in the space of six months, or sooner if possible.

In faith whereof the respective plenipotentiaries have signed the above articles, both in the French and English languages; declaring, nevertheless, that the present treaty was originally composed and concluded in the French language. And they have thereto set their seals.

Done at Paris, the sixth day of February, 1778.

C. A. GERARD. [L. S.]

B. FRANKLIN, [L. S.]

SILAS DEANE, [L. S.]

ARTHUR LEE. [L. S.]

NOTE.—The original treaty is in the Department of State. The English translation is in the writing of William Temple Franklin. There is a copy of this translation also in the writing of William Temple Franklin.

*Forme des passeports et lettres, qui doivent être donnés aux vaisseaux et barques conformément à l'article vingt sept du traité ci-dessus.*

*Form of the passports and letters which are to be given to the ships and barks, according to the 27th article of this treaty.*

A tous ceux, qui les présentes verront, soit notoire que faculté et permission a été accordée à maître ou commandant du navire appelé de la ville de de la capacité de tonneaux ou environ, se trouvant présentement dans le port et havre de et destiné pour chargé de qu'après que son navire a été visité et avant son départ il prêtera serment entre les mains des officiers de marine que le dit navire appartient à un ou plusieurs sujets de dont l'acte sera mis à la fin des présentes, de même qu'il gardera et fera garder par son équipage les ordonnances et réglemens maritimes et remettra une liste signée et confirmée par témoins, contenant les noms et surnoms, les lieux de naissance et la demeure des personnes composant l'équipage de son navire et de tous ceux qui s'y embarqueront, les quels il ne recevra pas abord sans la connoissance et la permission des officiers de marine; et dans chaque port ou havre, où il entrera avec son navire il montrera la présente permission aux officiers et juges de marine et leur fera un rapport fidèle de ce qui c'est passé durant son volage, et il portera

To all who shall see these presents, Greeting.

It is hereby made known, That leave and permission has been given to master and commander of the ship called of the town of burden tons, or thereabouts, lying at present in the port or haven of and laden with

After that his ship has been visited, and before sailing, he shall make oath, before the officers who have the jurisdiction of maritime affairs, that the said ship belongs to one or more of the subjects of . The act whereof shall be put at the end of these presents; as likewise that he will keep, and cause to be kept by his crew on board, the marine ordinances and regulations, and enter, in the proper office, a list signed and witnessed, containing the names and surnames, the places of birth and abode of the crew of his ship, and of all who shall embark on board her, whom he shall not take on board without the knowledge and permission of the officers of marine. And in every port or haven, where he shall enter with his ship, he shall show this present leave to the officers and judges of the marine; and shall give a faithful ac-

les couleurs, armes et enseignes du (Roi ou des Etats unis) durant son dit volage.

En témoins de quoi nous avons signé les présentes, les avons fait contresigner par et y avons fait apposer le sceau de nos armes. Donne le de l'an de grâce le

count to them of what passed and was done during his voyage; and he shall carry the colours, arms and ensigns of the king, or United States, during his voyage.

In witness whereof we have signed these presents, and put the seal of our arms thereunto, and caused the same to be countersigned by at the day of Anno Domini

LOUIS par la grâce de Dieu, Roy de France et de Navarre à tous ceux qui ses présentes lettres verront, SALUT.

LEWIS, by the grace of God king of France and Navarre—To all who shall see these presents, Greeting.

Le Congrès des États-Unis de l'Amérique septentrionale nous ayant fait proposer par ses plénipotentiaires résidans en France de former avec nous une alliance défensive et éventuelle, et voulant donner aux dits États-unis une preuve efficace de l'intérêt que nous prenons à leur prospérité, nous nous sommes déterminé à conclure la dite Alliance. A CES CAUSES, et autres bonnes considérations à ce nous mouvant, nous confiant entièrement en la capacité et expérience, zèle et fidélité pour notre service de notre cher et ame Conrad Alexander Gérard Syndic royal de la ville de Strasbourg, secrétaire de notre conseil d'État, nous l'avons nommé, commis et député, et par ces présentes signées de notre main, le nommons, committons, et députons

The Congress of the United States of America having, by their plenipotentiaries residing in France, proposed to form with us a defensive and eventual alliance; and willing to give the said states an efficacious proof of the interest we take in their prosperity, we have determined to conclude the said alliance. For these causes, and other good considerations us thereunto moving, we, reposing entire confidence in the abilities and experience, zeal and fidelity for our service, of our dear and beloved Conrad Alexander Gérard, royal syndic of the city of Strasbourg, secretary of our council of state, have nominated, commissioned and deputed, and by these presents signed with our hand, do nominate, commission and depute him our plenipotentiary, giving

notre plénipotentiaire lui donnant pouvoir et mandement spécial d'agir en cette qualité, et de conférer, négocier, traiter et convenir conjointement avec les sus-dits Plénipotentiaires des États-unis revêtus également de pouvoirs en bonne forme, arrêter, conclure, et signer tels articles, conditions, conventions, déclarations, Traité définitif et autres Actes quelconques qu'il jugera convenables pour remplir le but, que nous nous proposons. Promettant, en foi de parole de Roi, d'avoir agréable, tenir ferme et stable à toujours, accomplir et exécuter ponctuellement tout ce que notre dit cher et amé Conrad Alexander Gérard aura stipulé et signé en vertu du présent pouvoir, sans jamais y contrevenir, ni permettre qu'il y soit contrevenu, pour quelque cause, et sous quelque prétexte que ce puisse être, comme aussi d'en faire expédier nos lettres de ratification en bonne forme, et de les faire délivrer pour être échangées dans le temps, dont il sera convenu. CAR TEL EST NOTRE PLAISIR. En témoin de quoi nous avons fait mettre notre Scel à ces présentes. Donné à Versailles le trentième jour du mois de Janvier l'an de grâce mil sept cent soixante et dix huit, et de notre regne le quatrième.

Par le Roi  
[L. S.] GRAVIER DE VERGENNES<sup>1</sup>

LOUIS

him power and special command to act in this quality, and confer, negotiate, treat and agree conjointly with the abovementioned plenipotentiaries of the United States, vested in like manner with powers in due form, to determine and conclude such articles, conditions, conventions, declarations, definitive treaty, and any other acts whatever, as he shall judge proper to answer the end which we propose; promising, on the faith and word of a king, to agree to, confirm and establish for ever, to accomplish and execute punctually whatever our said beloved Conrad Alexander Gérard shall have stipulated and signed, in virtue of the present power, without ever contravening it, or suffering it to be contravened, for any cause and under any pretext whatever; as likewise to cause our letters of ratification to be made in due form, and to have them in order, or to be exchanged at the time that shall be agreed upon. For such is our pleasure.

In testimony whereof we have set our seal to these presents.

Given at Versailles, the thirteenth day of January, in the year of grace, one thousand seven hundred and seventy-eight.

[L. S.]

By the King.

LOUIS.

GRAVIER DE VERGENNES.

<sup>1</sup> Copies of these powers are in the Department of State in the writing of Benjamin Franklin and William Temple Franklin.



TRAITÉ D'ALLIANCE ÉVENTUELLE  
ET DÉFENSIVE.

TREATY OF ALLIANCE, EVENTUAL  
AND DEFENSIVE

Le Roi Très Chrétien et les États-unis de l'Amérique Septentrionale, savoir New hampshire, La Baye de Massachusett, Rhode-Island, Connecticut, New York, New Jersey, Pensylvanie, Delaware, Maryland, Virginie, Caroline Septentrionale, Caroline Méridionale et Georgie; ayant conclus ce jourd'huy un Traité d'Amitié de bonne intelligence et de commerce, pour l'avantage réciproque de leurs Sujets et Citoyens, ils ont cru devoir prendre en considération les moyens de resserrer leurs liaisons, et de les rendre utiles à la Sûreté et à la tranquillité des deux Parties, notamment dans le cas où la Grande Bretagne, en haine de ces mêmes liaisons et de la bonne correspondance qui forment l'objet du dit Traité, se porteroit à rompre la paix avec la France, soit en l'attaquant hostilement, soit en troublant son commerce et sa navigation, d'une manière contraire au droit des gens et à la paix subsistante entre les deux Couronnes; Et sa Majesté et les dits États-unis ayant résolu éventuellement d'unir, dans le cas prévu, leurs conseils et leurs efforts contre les entreprises de leur ennemi commun, les Plénipotentiaires respectifs, chargés de concerter les clauses et conditions propres à remplir leurs intentions, ont, après la plus mûre délibéra-

The most christian king, and the United States of North America, to wit, New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, having this day concluded a treaty of amity and commerce, for the reciprocal advantage of their subjects and citizens, have thought it necessary to take into consideration the means of strengthening those engagements, and of rendering them useful to the safety and tranquillity of the two parties; particularly in case Great Britain, in resentment of that connexion and of the good correspondence which is the object of the said treaty, should break the peace with France, either by direct hostilities, or by hindering her commerce and navigation in a manner contrary to the rights of nations, and the peace subsisting between the two crowns. And his majesty and the said United States, having resolved, in that case, to join their counsels and efforts against the enterprises of their common enemy, the respective plenipotentiaries empowered to concert the clauses and conditions proper to fulfil the said intentions, have, after the most mature deliberation, concluded and

tion, conclu et arrêté les points et articles qui s'ensuivent.

**ARTICLE PREMIER.** Si la guerre éclate entre la France et la grande Bretagne, pendant la durée de la guerre actuelle entre les États-unis et l'Angleterre, sa Majesté et les dits États-unis feront cause commune et s'entr'aideront mutuellement de leurs bon offices, de leurs conseils et de leurs forces, selon l'exigence des conjonctures, ainsy qu'il convient à de bons et fidèles Alliés.

**ART. SECOND.** Le but essentiel et direct de la présente alliance défensive, est de maintenir efficacement la liberté, la Souveraineté, et l'indépendance absolu et illimitée des dits États-unis, tant en matière politique que de commerce.

**ART. TROIS.** Les deux Parties contractantes feront chacune de leur côté, et de la manière qu'elles jugeront plus convenables tous les efforts, qui seront en leur pouvoir, contre leur ennemi commun, a fin d'atteindre au but qu'elles se proposent.

**ART. QUATRE.** Les Parties contractantes sont convenues que dans le cas ou l'une d'entre elles formeroit quelque entreprise particulière, pour laquelle elle désireroit le concours de l'autre, celle ci, se prêteroit de bonne foi à un concert sur cet objet, autant que les circonstances et sa propre situation pour-

determined on the following articles.

**ARTICLE I.** If war should break out between France and Great Britain, during the continuance of the present war between the United States and England, his majesty and the said United States shall make it a common cause, and aid each other mutually with their good offices, their counsels, and their forces, according to the exigence of conjunctures, as becomes good and faithful allies.

**ART. II.** The essential and direct end of the present defensive alliance is, to maintain effectually the liberty, sovereignty, and independence absolute and unlimited of the said United States, as well in matters of government as of commerce.

**ART. III.** The two contracting parties shall, each on its own part, and in the manner it may judge most proper, make all the efforts in its power against their common enemy, in order to attain the end proposed.

**ART. IV.** The contracting parties agree, that in case either of them should form any particular enterprise in which the concurrence of the other may be desired, the party whose concurrence is desired shall readily, and with good faith, join to act in concert for that purpose, as far as circum-

ront le lui permettre, et dans ce cas, on règlera par une Convention particulière la portée des secours à fournir, et le temps et la manière de la faire agir, ainsy que les avantages destinés à en former la compensation.

ART. CINQ. Si les États-unis jugent à propos de tenter la reduction des Isles Bermudes et des parties septentrionales de l'Amérique qui sont encore au pouvoir de la Grande Bretagne, les dites Isles et Contrées, en cas de succès, entreront dans la confédération ou seront dépendantes des dits États-unis.

ART. SIX. Le Roi très Chrétien renonce à posséder jamais les Bermudes ni aucune des parties du Continent de l'Amérique Septentrionale qui, avant le Traité de Paris de mil sept cent soixante trois, ou en vertu de ce Traité, ont été reconnues appartenir à la couronne de la Grande Bretagne ou aux États-unis, qu'on appelloit ci-devant Colonies Britanniques, ou qui sont maintenant ou ont été récemment sous la Jurisdiction et sous le pouvoir de la Couronne de la Grande Bretagne.

ART. SEPT. Si sa Majesté très Chrétienne juge a propos d'attaquer aucune des Isles situées dans le Golphe de Mexique ou près du dit Golphe, qui sont actuellement au pouvoir de la Grande Bretagne,

stances, and its own particular situation, will permit; and in that case, they shall regulate, by a particular convention, the quantity and kind of succour to be furnished, and the time and manner of its being brought into action, as well as the advantages which are to be its compensation.

ART. V. If the United States should think fit to attempt the reduction of the British power remaining in the northern parts of America, or the islands of Bermudas, those countries or islands, in case of success, shall be confederated with, or dependent upon, the said United States.

ART. VI. The most christian king renounces for ever the possession of the islands of Bermudas, as well as of any part of the continent of North America which, before the treaty of Paris in 1763, or in virtue of that treaty, were acknowledged to belong to the crown of Great Britain, or to the United States heretofore called British colonies, or which are at this time, or have lately been, under the power of the king and crown of Great Britain.

ART. VII. If his most christian majesty shall think proper to attack any of the islands situated in the gulf of Mexico, or near that gulf, which are at present under the power of Great Britain, all the said

toutes les dites Isles, en cas de succès, appartiendront à la Couronne de France.

ART. HUIT. Aucune des deux Parties ne pourra conclure ni trêve ni paix avec la Grande Bretagne, sans le consentement préalable et formel de l'autre Partie, et elles s'engagent mutuellement à ne mettre bas les armes, que lorsque l'indépendance des dits États-unis aura été assurée formellement ou tacitement par le Traité où les Traités qui termineront la guerre.

ART. NEUF. Les Parties contractantes déclarent, qu'étant résolues de remplir chacune de son côté les clauses et conditions du présent Traité d'alliance selon son pouvoir et les circonstances, elles n'auront aucune répétition, ni aucun dédommagement à se demander réciproquement, quelque puisse être l'événement de la guerre.

ART. DIX. Le Roi très Chrétien et les États-unis sont convenus d'inviter de concert ou d'admettre les Puissances, qui auront des griefs contre l'Angleterre, à faire cause commune avec eux, et à accéder à la présente alliance, sous les conditions qui seront librement agréées et convenues entre toutes les parties.

ART. ONZE. Les deux Parties se garrantissent mutuellement dès à présent et pour toujours envers et contre tous, savoir les États-unis à sa Majesté très Chrétienne les

isles, in case of success, shall appertain to the crown of France.

ART. VIII. Neither of the two parties shall conclude either truce or peace with Great Britain, without the formal consent of the other first obtained; and they mutually engage not to lay down their arms until the independence of the United States shall have been formally, or tacitly, assured by the treaty or treaties, that shall terminate the war.

ART. IX. The contracting parties declare, that, being resolved to fulfil, each on its own part, the clauses and conditions of the present treaty of alliance, according to its own power and circumstances, there shall be no after claim of compensation on one side or the other, whatever may be the event of the war.

ART. X. The most christian king and the United States agree to invite or admit other powers, who may have received injuries from England, to make common cause with them, and to accede to the present alliance, under such conditions as shall be freely agreed to and settled between all the parties.

ART. XI. The two parties guarantee, mutually, from the present time and forever, against all other powers, to wit, the United States to his most christian majesty, the

possessions actuelles de la Couronne de France en Amérique, ainsy que celles qu'elle pourra acquérir par le futur Traité de paix; et sa Majesté très Chrétienne garantit de son côté aux États-unis leur liberté, leur souveraineté et leur indépendance absolue et illimitée, tant en matière de politique que de commerce, ainsy que leurs possessions et les accroissements ou conquêtes, que leur confédération pourra se procurer pendant la guerre, d'aucun des Domaines maintenant ou ci-devant posséder par la Grande Bretagne dans l'Amérique Septentrionale, conformément aux articles cinq et six ci-dessus, et tout ainsy que leur possessions seront fixées et assurées aux dits Etats, au moment de la cessation de leur guerre actuelle contre l'Angleterre.

ART. DOUZE. A fin de fixer plus précisément le sens et l'application de l'article précédent, les Parties contractantes déclarent, qu'en cas de rupture entre la France et l'Angleterre, la garantie réciproque énoncée dans le sus dit article, aura toute sa force et valeur du moment où la guerre éclatera, et si la rupture n'avoit pas lieu, les obligations mutuelles de la ditte garantie, ne commenceroient, que du moment sus dit, où la cessation de la guerre actuelle entre les États-unis et l'Angleterre, aura fixé leurs possessions.

present possessions of the crown of France in America, as well as those which it may acquire by the future treaty of peace; and his most christian majesty guarantees, on his part, to the United States, their liberty, sovereignty, and independence, absolute and unlimited, as well in matters of government as of commerce, and also their possessions, and the additions or conquests that their confederation may obtain during the war, from any of the dominions now or heretofore possessed by Great Britain in North America, conformably to the fifth and sixth articles above written, the whole as their possession shall be affixed and assured to the said states at the moment of the cessation of their present war with England.

ART. XII. In order to fix more precisely the sense and application of the preceding article, the contracting parties declare, that in case of a rupture between France and England, the reciprocal guarantee declared in the said article shall have its full force and effect the moment such war shall break out; and if such rupture shall not take place, the mutual obligations of the said guarantee shall not commence until the moment of the cessation of the present war between the United States and England shall have ascertained their possessions.

ART. TREIZE. Le présent Traité sera ratifié de part et d'autre et les ratifications seront échangées dans l'espace de six mois ou plutôt, si faire se peut.

En foi de quoi les Plénipotentiaires respectifs savoir de la part du Roi très Chrétien le S<sup>r</sup> Conrad Alexandre Gérard, syndic royal de la ville de Strasbourg et Secrétaire du Conseil d'État de sa Majesté, et de la part des États-unis les S<sup>rs</sup> Benjamin Franklin, Député au Congrès général de la part de l'État de Pensylvanie et président de la Convention du même État, Silas Deane ci-devant Député de l'État de Connecticut, et Arthur Lee, *Conseiller es loix* ont signé les articles ci-dessus, tant en langue françoise qu'en langue angloise, déclarant néanmoins que le présent Traité a été originairement rédigé et arrêté en langue françoise, et ils les ont munis du cachet de leurs armes.

Fait à Paris le sixième jour du mois de Février, mil sept cent soixante dix huit.<sup>1</sup>

C. A. GERARD, [L. s.]

B. FRANKLIN, [L. s.]

SILAS DEANE, [L. s.]

ARTHUR LEE,<sup>2</sup> [L. s.]

ART. XIII. The present treaty shall be ratified on both sides; and the ratification shall be exchanged in the space of six months or sooner if possible.

In faith whereof the respective plenipotentiaries, to wit, on the part of the most christian king, Conrad Alexander Gérard, royal syndic of the city of Strasburg, and secretary of his majesty's council of state; and on the part of the United States, Benjamin Franklin, deputy of the general Congress from the state of Pennsylvania and president of the convention of the said State, Silas Deane, heretofore deputy from the state of Connecticut, and Arthur Lee, counsellor at law, have signed the above articles, both in the French and English languages; declaring, nevertheless, that the present treaty was originally composed and concluded in the French language; and they have hereunto affixed their seals.

Done at Paris, this 6th day of February, one thousand seven hundred and seventy-eight.

C. A. GERARD. [L. s.]

B. FRANKLIN, [L. s.]

SILAS DEANE, [L. s.]

ARTHUR LEE. [L. s.]

<sup>1</sup>These words are in the writing of Gérard.

<sup>2</sup>This treaty in English and French, signed by the commissioners of both contracting parties, is in the Department of State. With it is a certified copy in English, prepared by William Temple Franklin.

## ACTE SÉPARÉ ET SECRÈT.

Le Roi très Chrétien déclare en conséquence de l'union intime qui subsiste entre lui et le Roi d'Espagne, qu'en concluant avec les États-unis de l'Amérique Septentrionale le traité d'amitié et de commerce et celui d'alliance éventuelle et deffensive, sa Majesté a entendu et entend réserver expressément, come elle réserve par le présent acte séparé et secret à sa dite Majesté Catholique la faculté d'accéder aux dits Traités, et de participer à leurs stipulations, dans quelque tems qu'elle le juge à propos, bien entendu néanmoins que si quelques unes des stipulations des dits Traités ne convenoient point au Roi d'Espagne, sa Majesté Catholique seroit maîtresse de proposer d'autres conditions analogues au but principal de l'Alliance, et conformes au loix de l'égalité, de la réciprocité et de l'amitié.

Les Députés des États-unis au nom de leurs commettans acceptent la présente Déclaration dans toute son étendue et le Député des dits États spécialement chargé des pleins pouvoirs, pour traiter avec la Couronne d'Espagne, promet de signer à la première réquisition de sa Majesté Catholique l'acte ou les actes nécessaires, pour lui rendre communes les stipulations des Traités ci-dessus relatés, et le dit Député se prêtera de bonne foi a

## ACT SEPARATE AND SECRET

The most Christian King declares, in consequence of the intimate union which subsists between him and the King of Spain, that in concluding with the United States of America this Treaty of amity and commerce, and that of eventual and defensive alliance, his Majesty hath intended and intends to reserve expressly, as he reserves by this present separate and secret act, to his said Catholick Majesty, the Power of acceding to the said Treaties, and to participate in their stipulations at such time as he shall judge proper. It being well understood nevertheless, that if any of the stipulations of the said Treaties are not agreeable to the King of Spain, his Catholick Majesty may propose other conditions analagous to the principal aim of the alliance, and conformable to the Rules of equality, reciprocity and friendship.

The Deputies of the United States in the name of their constituents, accept the present Declaration in its full extent; and the Deputy of the said States, who is fully empowered to treat with Spain, promises to sign on the first Requisition of his Catholick Majesty, the act or acts necessary to communicate to him the stipulations of the Treaties above written; And the said Deputy shall endeavour in good faith, the adjustment

l'ajustement des points auxquels le Roi d'Espagne voudroit apporter quelques changemens, conformément aux principes de l'égalité, de la réciprocité et de l'amitié la plus parfaite et la plus sincère, ne doutant pas le dit Député que la personne ou les personnes qui seront autorisées par le Roi Catholique à traiter avec les États-unis n'en usent de même, relativement au changemens de la même nature que le dit Plénipotentiaire des États-unis pourra juger nécessaires.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent article séparé et secret, et y ont apposé le cachet de leurs armes.

Fait à Paris le sixième jour du mois de Février mil sept cent soixante dix huit.<sup>1</sup>

C. A. GERARD [L. s.]

B. FRANKLIN [L. s.]

SILAS DEANE, [L. s.]

ARTHUR LEE [L. s.]<sup>2</sup>

(Député plénipotentiaire pour  
la France et l'Espagne.)

of the points in which the King of Spain may propose any alteration, conformable to the principles of equality, reciprocity and the most sincere and perfect amity;<sup>1</sup> he the said Deputy not doubting but that the person or persons, empowered by his Catholick Majesty to treat with the United States, will do the same with regard to any Alterations of the same kind that may be thought necessary by the said Plenipotentiary of the United States.

In Faith whereof, the respective Plenipotentiaries have signed the present separate and secret Article, and affixed to the same their Seals.

Done at Paris, this sixth Day of February, one thousand seven hundred and seventy eight.<sup>2</sup>

C. A. GERARD. [L. s.]

B. FRANKLIN, [L. s.]

SILAS DEANE, [L. s.]

ARTHUR LEE. } [L. s.]  
Député Plénipo. pour  
la France et l'Es-  
pagne.

<sup>1</sup> From this point to the word *Seals* the writing is that of William Temple Franklin.

<sup>2</sup> These words were written by Gérard.

<sup>3</sup> These words are in the writing of Benjamin Franklin.

<sup>4</sup> The original is in the Department of State. An attested copy by the three American commissioners, and a copy of the English text by William Temple Franklin, are also there.



THREE O'CLOCK, P. M.

The committee to whom was referred a letter of the 16 of April last, from Major General Schuyler, with sundry papers enclosed, brought in a report, which was taken into consideration; Whereupon,

*Resolved*, That General Gates be directed to afford all that protection to the Oneida and Tuscarora tribes, and others of the Six Indian Nations, which the commissioners for Indian affairs in the northern department, promised them in behalf of the United States; and that a copy of the resolution of the said commissioners, passed on this subject, the 15 day of April last, be transmitted to General Gates:

That Mr. James Deane, agent and interpreter for the commissioners of Indian affairs in the northern department, have his annual salary augmented to six hundred dollars, to commence from the first day of January last; and that the said commissioners be authorized to allow him such sums for his extra expences as they shall judge reasonable:

That the said commissioners be authorized to draw on Jonathan Trumbull, Esq: pay master in the northern department, for 10,000 dollars, for purchasing goods to open a trade at Fort Schuyler with such of the Six Indian Nations as they shall judge proper, and that the said commissioners appoint some suitable person or persons to superintend and manage the said trade, under such regulations as they shall make, taking care that the said trade be not attended with any expence to the United States, if the ends which Congress have in view, which is to provide for and conciliate the affections of the said Indians, can be obtained upon such terms.<sup>1</sup>

<sup>1</sup> This report, in the writing of Thomas Adams (?), is in the *Papers of the Continental Congress*, No. 19, VI, folio 255\*.

Congress resumed the consideration of the treaty of amity and commerce concluded at Paris, on the 6th of February, between the most Christian king and the United States of America, and signed by Conrad Alexander Gérard, plenipotentiary, on the part of his most Christian Majesty, and Benjamin Franklin, Silas Deane and Arthur Lee, plenipotentiaries on the part of the United States of America, and the same being read, duly weighed and considered,

*Resolved unanimously*, That the same be and is hereby ratified.

Congress also took into consideration the treaty of Alliance, concluded at Paris on the 6 day of February, 1778, between the most Christian King and the United States of America, and signed by Conrad Alexander Gérard, plenipotentiary on the part of his most Christian Majesty, and Benjamin Franklin, Silas Deane, and Arthur Lee, plenipotentiaries on the part of the United States of America, and the same being read, duly weighed and considered,

*Resolved, unanimously*, That the same be and is hereby ratified.

Congress also took into consideration an "Act separate and secret", concluded at Paris, the 6 day of February, 1778, between his most Christian Majesty and the United States of America, signed as the above, and the same being duly weighed,

*Resolved, unanimously*, That the same be, and is hereby ratified.

*Resolved*, That this Congress entertain the highest sense of the magnanimity and wisdom of his most Christian majesty, so strongly exemplified in the treaty of amity and commerce, and the treaty of alliance, entered into on the part of his majesty, with these United States, at Paris,

on the 6th day of February last; and the commissioners, or any of them, representing these States at the court of France, are directed to present the grateful acknowledgments of this Congress to his most Christian majesty, for his truly magnanimous conduct respecting these states, in the said generous and disinterested treaties, and to assure his majesty, on the part of this Congress, it is sincerely wished that the friendship so happily commenced between France and these United States may be perpetual.

*Resolved*, That a committee of three be appointed to prepare the form of ratification of the foregoing treaties:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Francis] Dana, and Mr. [William Henry] Drayton.

||Adjourned to 10 o'Clock to Morrow.||

TUESDAY, MAY 5, 1778

On motion, *Resolved*, That a passport and safe conduct be granted for Mrs. Prevost, wife of Brigadier Prevost, commander in chief in East Florida, and now at Augustine, that she may return to Europe.

A letter of the 3, and one of the 4, from General Washington, the latter enclosing a letter and account from General Lord Stirling, were read:<sup>1</sup>

*Ordered*, That the letter and account from Lord Stirling, be referred to the Board of Treasury.

A letter, of the 1, from General Greene, Q. M. G., was read.<sup>2</sup>

*Resolved*, That the Board of War be directed to send, without delay, a person of diligence and skill to Virginia, there to enquire into the state and condition of the salted pork and beef purchased for the use of the army; that he

<sup>1</sup> Washington's letter of the 3d is in the *Papers of the Continental Congress*, No. 152, V, folio 5; that of the 4th is on folio 9; that of Stirling is on folio 13.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 155, I, folio 67.

be directed to pass along the different stages where the said provisions may be lodged, as at Georgetown, Alexandria, Dumfries, Cave's ware-house, Fredericksburgh, Hob's Hole, Frazier's, Williamsburgh, &c. &c. and examine into the conduct of all deputy commissaries, deputy quarter masters, and deputy waggon masters, on the said route: and where he shall discover any misconduct in the said officers, either by neglecting to forward the provisions to the camp, or by suffering the same to be damaged, or by misconducting the waggonage to the public injury, that he report the result of such enquiry to the heads of the respective departments, and to the governor of Virginia, together with the state and condition in which he shall find the provisions; and that he cause necessary cooerage, fresh brine, or smoaking, and other necessary precautions to be taken, for the preservation of the public provisions; and that he cause all prudent expedition to be used in forwarding the sound provisions quickly to the army.

Mr. P[hilip] Livingston, a delegate from the State of New York, attended, and took his seat.

*Resolved*, That the commissioners, or any one of them, representing these states at the court of France, be instructed to inform that court that, although Congress have readily ratified the treaties of amity and commerce, and treaty of alliance, and the act, separate and secret, between his most Christian majesty and these United States, in order to evince more clearly their sense of the magnanimity and goodness of his most Christian majesty, evidenced in the said treaties; yet, ~~Congress are of opinion that dissentions may hereafter arise from the imposition of duties upon the exportation of the produce and manufactures of the dominions of his most Christian Majesty to these states, whilst similar duties on the prod-~~

~~use of these states might be prevented by means of the prohibition contained in the 12 Article of the said treaty; wherefore relying on the same magnanimity and desire of permanent friendship and mutual advantage between the two countries which have strongly marked the councils of France in this treaty, and sincerely desirous of establishing the most permanent and perpetual friendship and alliance founded on equal interest and convenience have no doubt but that it will be agreed that the from a sincere desire of rendering the friendship and alliance, so happily begun, permanent and perpetual, and being apprehensive that differences may arise from the 11 and 12 articles in the treaty of amity and commerce, Congress are desirous that the said 11 and 12 articles may be revoked and utterly expunged:~~

The commissioners, or any of them, are therefore instructed to use their best endeavours to procure the abolition of the said 11 and 12 articles of the said treaty.

*Massachusetts bay,*

Mr. Lovell,	ay	}	*
Dana,	ay		

*Rhode Island,*

Mr. Ellery,	no		no
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*Connecticut,*

Mr. Sherman,	ay	}	ay
Huntington,	ay		
Walcott,	ay		

*New York,*

Mr. Livingston,	ay	}	ay
Morris,	ay		

*New Jersey,*

Mr. Scudder,	ay		ay
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*Pennsylvania,*

Mr. James Smith,	no	}	no
J. B. Smith,	no		
Clingan,	ay		

*Maryland,*

Mr. Chase,	ay	}	ay
Carroll,	ay		
Henry,	ay		
Plater,	ay		

*Virginia.*

Mr. R. H. Lee,	ay	}	ay
F. L. Lee,	ay		
Adams,	ay		

*South Carolina,*

Mr. Laurens,	ay	}	ay
Drayton,	ay		
Hutson,	ay		
Mathews,	ay		

*Georgia,*

Mr. Langworthy,	ay		ay
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DECLARATION <sup>1</sup>

Le Congrès général des États unis de l'Amérique Septentrionale ayant représenté au Roi que l'exécution de l'Article onze du Traité d'amitié et de commerce signé le six du mois de février dernier pourroit entraîner des inconvenients après soi, et ayant désiré en conséquence que cet article demeurât supprimé, consentant en échange que l'Article douze soit également regardé comme non à venu, Sa Majesté, pour donner aux États unis de l'Amérique Septentrionale une nouvelle preuve de son affection, ainsi que de son désir de consolider l'union et la bonne correspondance établies entre les deux États, a bien voulu avoir égard à leurs représentations; en conséquence Sa M<sup>te</sup>. a déclaré et déclare par les présentes qu'elle consent à la Suppression des articles

<sup>1</sup> This declaration is the formal paper by which the King complied with the representations of Congress. It is in the Department of State, with a translation made by John Pintard. There is no letter in the Diplomatic Correspondence of the Revolution (Wharton) to show when this paper was sent to Congress; nor is there any reference in the Journals to its reception or any further action by Congress. I have therefore inserted it at this point, to complete the history of the treaty. In the Department of State is to be found a paper which is doubtless the form of the declaration submitted by the American commissioners:

## DECLARATION

Le Roi très chrétien ayant bien voulu avoir égard aux Représentations que lui a faites le Congrès général de l'Amérique Septentrionale, relativement à l'Article 11 du Traité de commerce, signé le 6<sup>e</sup> février de la présente année, et S. M. ayant consenti en Conséquence que le d. Article demeurât supprimé à Condition que l'Article 12 du même Traité fût également regardé comme non à venu; le Congrès général a déclaré et déclare de son côté qu'il consent à la suppression des Articles 11 et 12 susmentionnés, et son intention est qu'ils soient regardés comme n'ayant jamais été compris dans le Traité signé le 6<sup>e</sup> Fev<sup>r</sup> d.

(Signed by)

B. FRANKLIN  
ARTHUR LEE  
JOHN ADAMS

The most christian King having been pleased to regard the representations made to him by the General Congress of North America, relating to the 11th Article of the Treaty of Commerce signed the 6th of February in the present year, and his Majesty having, therefore, consented that the said Article should be suppressed on Condition that the 12th Article of the same Treaty be equally regarded as of no Effect, the above said general Congress hath declared, on their part, and do declare, that they consent to the Suppression of the 11th and 12th Articles of the above mentioned Treaty, and that their intention is, that these Articles be regarded as having never been comprised in the Treaty signed the 6th of February. In faith whereof &c.

The three names are in the writing of Benjamin Franklin.

onze et douze susmentionnés, et que son intention est, qu'ils soient regardés comme n'ayant jamais été compris dans le Traité signé le six février dernier.

Fait à Versailles, le premier jour du mois de Septembre mil sept cent soixante et dix huit.

GRAVIER DE VERGENNES.

The committee appointed to prepare the form of a ratification, brought in the same, which was read and agreed to:

The Congress of the United States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, by the grace of God, sovereign, free and independent; to all who shall see these presents, greeting:

Whereas, in and by our commission, dated at Philadelphia, the 30th day of September, in the year of our Lord one thousand seven hundred and seventy six, Benjamin Franklin, one of the delegates in Congress from the state of Pennsylvania, and president of the convention of the said State, &c. Silas Deane, late a delegate from the State of Connecticut, and Arthur Lee, barrister at law, were nominated and appointed our commissioners, with full powers to treat, agree, and conclude with his most Christian majesty the king of France, or with such person or persons as should be by him for that purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable, and universal peace, for the defence, protection, and safety of the navigation and mutual commerce of the subjects of his most Christian majesty and the people of the United States, we, promising in good faith to ratify whatsoever our said

commissioners should transact in the premises; and, whereas, our said commissioners, in pursuance of their full powers, on the 6th day of February last, at Paris, with Conrad Alexander Gérard, royal syndic of the city of Strasburg, secretary of his most Christian majesty's council of state, by virtue of powers plenipotentiary to him granted by his most Christian majesty, and dated the 30th day of January, in the year of our Lord one thousand seven hundred and seventy eight, did conclude and sign, on the part of the crown of France, and of the United States of America, a (treaty of amity and commerce, or treaty of alliance, or act separate and secret) in the following words, (here insert the respective treaties verbatim, French and English).

Now know ye, that we, the said Congress, have unanimously ratified and confirmed, and by these presents do ratify and confirm the said treaty, and every part, article, and clause thereof, on our part concluded and signed as aforesaid; and further do authorize and direct our commissioners at the court of France, or any of them, to deliver this our act of ratification in exchange for the ratification of the said treaty on the part of his most Christian majesty the king of France and Navarre.

Done in Congress at York town, in the state of Pennsylvania, this 4th day of May, in the year of our Lord one thousand seven hundred and seventy eight.

In testimony whereof, the President, by order of the said Congress, hath hereunto subscribed his name and affixed his seal.

Attest.

*President,* (L. s.)

*Secretary.*

*Ordered,* That six copies of the treaties, with the ratification agreed to, be made out and transmitted by the Committee for Foreign Affairs to the commissioners of



the United States at the court of France, by different conveyances.

*Ordered*, That the Marine Committee provide vessels for carrying the said despatches.

*Ordered*, That the committee appointed to prepare the form of ratification, &c. be directed to prepare a proper publication on the present occasion.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Moses Black, for the sum of fifty four thousand three hundred and eighty seven dollars and 60/90, in discharge of the following draughts of Otis and Andrews, in favour of Philip Moore, and endorsed to the said Black, viz.

1 bill dated	1 April 1778,	at 3 days Sight, for	3,333 30/90 dollars
1 bill dated	2 do do	at 1 days Sight,	3,333 30/90 dollars
1 bill dated	3 do do	at 1 do do	3,333 30/90 dollars
1 bill dated	4th do	at 3 do	40,000 do
1 bill dated	13th do	at 4 do	4,387 60/90 do

which sums are paid at the instance of James Mease, Esq. cloathier general, and to be charged to his account.

*Resolved*, That a warrant Issue on the Treasurer in favour of James Mease, Clothier General, for the sum of Fifty thousand Dollars for the use of his Department, and to be charged to his account.

*Ordered*, That a warrant issue on the treasurer in favour of Colonel Charles Stewart, commissary general of issues, for the sum of forty thousand dollars, for the use of his department, and to be charged to his account.

*Ordered*, That 400,000 dollars be paid to William Buchanan, Esq. late commissary general of purchases, 200,000 of which, for the payment of debts by him contracted in

the northern, and 200,000 dollars for the payment of debts contracted in the southern district; which sum is to be charged to his account.

*Ordered*, That 1,934 60/90 dollars, be paid to Daniel Joy, it being the amount of his account, liquidated by the Board of War, for proving cannon, &c., for the use of the United States.

*Ordered*, That a warrant issue on the treasurer in favour of General Greene, Q. M. G., for three millions of dollars, for the use of his department, and to be charged to his account.<sup>1</sup>

*Resolved*, That the officers appointed to command the two battallions ordered to be raised in Virginia and Pennsylvania, for the defence of the western frontiers, be no longer continued in pay, nor be considered as continental officers, longer than the said regiments are continued in service.

The committee to whom was referred the letter of 30 April, from General Washington, brought in a report: Whereupon,

*Resolved*, That Congress approve General Washington's plan for the institution of a well organized inspectorship:

That the Baron Steuben be appointed to the office of inspector general, with the rank and pay of major general; his pay to commence from the time he joined the army and entered into the service of the United States:

That there be two ranks of inspectors, under the direction of the inspector general, the first to superintend two or more brigades, and the other to be charged with the inspection of only one brigade.

That the officers appointed inspectors receive, in addition to the pay which they derive from their rank, thirty

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 269.

dollars a month; and that the brigade inspectors receive, in addition to their pay, twenty dollars a month:

That General Washington be authorized to appoint such persons to be inspectors and brigade inspectors for the main army, as he shall think best qualified to execute the several duties of those offices.

Your Committee beg leave further to report as their Opinion, That it would be proper for Congress to appoint an Inspector General for the Army under the Command of Major General Gates, and that Mons<sup>r</sup> Laneuville appears to your Committee to be an able, skilful Officer, and well qualified for that Office, and therefore that it be resolved,

That Mons<sup>r</sup>\* Laneuville be appointed to the Office of Inspector General of the Army under the Command of Major General Gates, and that he have a Brevet Commission of Brigadier General and receive the Pay and Rations annexed to that Rank.<sup>1</sup>

TREASURY OFFICE, *York Town, May 5th, 1778.*

*Resolved,* That Samuel Hillegas be hereafter allowed  
**Postponed.** four Dollars per day whilst attending the business of signing Loan Office Certificates or Bills of Exchange.

That William Palfrey, Pay Master General, be allowed the additional Pay of [one hundred] Dollars per month, from the  
**Postponed;** date of this Resolution untill Congress shall otherwise  
**Agreed, 6th** order.

That each of the auditors of the Army be hereafter allowed Five Dollars per day and Forrage for his Servant's Horse whilst in Camp.

That considering the Extra Expence of officers attending Congress, the Secretary and Pay Master of the Board of War and  
**Postponed,** Ordnance be hereafter allowed [one hundred Dollars] per  
**Amended, 16** month, and the first Clerks of the several Boards [in the  
**June** Secretarys office not exceeding 100] Dollars per month untill the further orders of Congress.<sup>2</sup>

\* Note by the Committee: "*Insert Christian name.*"

<sup>1</sup>This report, in the writing of Samuel Chase, is in the *Papers of the Continental Congress*, no. 19, VI, folio 243. It is endorsed: "part agreed to 5 May, 1778, rest postponed."

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 267. The words in brackets were inserted by Henry Laurens.

*Resolved*, That the pay of the auditors of the army be hereafter augmented to five dollars a day, and that each of them be allowed forage for his servant's horse whilst in camp.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, MAY 6, 1778

A letter, of 27 April, from John Baynton, paymaster at Fort Pitt, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 27 April, from the Commissioners at Fort Pitt, with sundry papers enclosed, was read:<sup>1</sup>

*Ordered*, That the same be referred to the Board of War, who are directed to report thereon.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That sixteen thousand dollars be paid to the Marine Committee, to enable them to make a partial payment to William Smith, Esq<sup>r</sup> for iron and flour purchased by him for the use of the navy in the eastern department; for which they are to be accountable:

That 18,306 dollars be paid to the Committee of Commerce, to discharge three bills of exchange drawn upon them by Messrs. Hewes & Smith, commercial agents at Edenton, North Carolina; the said Committee to be accountable.<sup>2</sup>

The committee appointed to prepare a publication, brought in a draught which was read, and after debate,

*Resolved*, That the same be re-committed.

That Mr. G[ouverneur] Morris be added to the said committee.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 155.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 271.

## THREE O'CLOCK, P. M.

The committee to whom was re-committed the draught for publication, brought in another draught, which was taken into consideration, and agreed to as follows:

Whereas, Congress have received from their commissioners at the court of France, copies of a treaty of amity and commerce, and of a treaty of alliance, between the crown of France and these United States, duly entered into and executed at Paris, on the 6th day of February last, by a minister properly authorized by his most Christian majesty on the one part, and the said commissioners on the other part: and whereas, the said treaties have been maturely considered and unanimously ratified and confirmed by Congress;

It is recommended to the Inhabitants of these United States, that they regard and treat the subjects of France as those of a magnanimous and generous Ally. For it is with pleasure that Congress inform the Public that his most Christian Majesty, declining to avail himself of the situation of these United States, engaged in a war with a powerful and cruel Enemy, hath with a magnanimity becoming a great Prince, generously treated on terms of perfect equality and mutual benefit. And to the end that all proper alacrity may be shewn in giving aid and protection to the commerce, property and persons, of the subjects of his Most Christian Majesty, the following extracts from said Treaties are published for the information of all, and for regulating the conduct of those whom it may more immediately concern.<sup>1</sup>

in which said treaty of amity and commerce are the articles following, to wit: (here insert Art. 6, 7, 14, 15, 16, 17, 20, 21, 25, 26, 27, and 29, with the form of the passports.) Now, therefore, to the end, that the said treaty may be well and faithfully performed and kept on the part and behalf of these United States:

<sup>1</sup> To this point the report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 29, folio 303. What follows is based upon rough notes in the writing of Gouverneur Morris, on folio 301.

*Resolved*, That all captains, commanders, and other officers and seamen belonging to any of the vessels of war of these United States, or any of them, or of any private armed vessels commissioned by Congress, and all other the subjects of these United States, do govern themselves strictly in all things according to the above recited articles; and that they do afford the same aid and protection to the persons, commerce and property of the subjects of his most Christian majesty, as is due to the persons, commerce and property of the inhabitants of these United States;

And further it is recommended to all the inhabitants of these states to consider the subjects of his most Christian majesty as their brethren and allies, and that they behave towards them with the friendship and attention due to the subjects of a great prince, who, with the highest magnanimity and wisdom hath treated with these United States on terms of perfect equality and mutual advantage, thereby rendering himself the protector of the rights of mankind.

Sundry resolutions being moved, relative to the mode of trying naval officers, Congress took the same into consideration; Whereupon,

*Resolved*, That when any ship or vessel of war in the service of the United States shall be lost by capture or otherwise, a court of enquiry, consisting of that continental navy board which shall by the Marine Committee of Congress be directed to proceed therein, or any three persons that such navy board may appoint, be held to enquire into the cause of such loss; and if it shall appear that the same was occasioned by the negligence or misconduct of the captain or any other commissioned officer belonging to the ship or vessel of war so lost, that then a court martial be held for the trial of the officer so offending, to consist of such officers, if conveniently to be

collected, as by the rules and regulations of the navy constitute a court martial, otherwise of five such persons, as the said navy board shall for that purpose appoint; and if such loss should be by capture, and it shall appear on trial that the same was occasioned by the cowardice or treachery of the commanding officer, then and in that case such commanding officer shall suffer death; and if the loss, whether by capture or otherwise, should be occasioned by any other mal-conduct, such commanding officer shall be by such court martial cashiered.

*Resolved*, That when two or more ships or vessels of war in the service of these states are in company, and any or either of them shall be lost by capture or otherwise, a court of enquiry, so constituted as aforesaid, shall be held to enquire into the causes thereof; and if it should appear that such loss was occasioned by the mal-conduct or negligence of any captain or commanding officer of any other ship or vessel in company as aforesaid, then a court martial, constituted as before-mentioned, shall be held for the trial of the officer so offending; and if the loss should be by capture, and it should appear on trial that such capture was occasioned by the cowardice or treachery of such captain or commanding officer by withholding his assistance from the ship or vessel of war so captured, then and in that case such captain or commanding officer shall suffer death; but if it shall appear that the loss happened through any other mal-conduct of such captain or commanding officer, then he shall be by such court martial cashiered.

*Resolved*, That if, upon enquiry as aforesaid into the conduct of any officer or officers in the service of these states, it shall appear that they or any of them shall have offended in any instance mentioned in these resolutions, it shall be in the power of the navy board to suspend such

officer or officers until a trial by court martial shall be had, and the navy board shall forthwith transmit to the Marine Committee the proceedings of such court of enquiry, with their doings in consequence thereof; and to Congress all the proceedings of court martials, when any shall be had, previous to the execution of any capital sentence, that shall be by such court martial awarded; to the end that Congress may extend their mercy to such offenders as they may judge to be proper objects thereof.

*Resolved*, That these resolves continue in force one year from the date hereof, and no longer.

*Resolved*, That a committee of three be appointed to prepare an address to the inhabitants of these states, upon the present situation of public affairs:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Samuel] Chase and Mr. [Gouverneur] Morris.

A letter from the Board of War was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Samuel] Huntington, Mr. [Charles] Carroll and Mr. [Roger] Sherman.

Congress took into consideration a report of the Board of Treasury of the 5th; Whereupon,

*Resolved*, That William Palfrey, pay master general, be allowed the additional pay of one hundred dollars a month, from the date of this resolution, until Congress shall otherwise order.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> A memorial of Mark Bird, dated the 6th, and read on this day, is in the *Papers of the Continental Congress*, No. 59, III, folio 199. It is endorsed by Laurens: "Ordered to lie." Also a letter from George Ewing, dated May 4, was read and disposed of in the same manner. It is in No. 78, VIII, folio 289.



THURSDAY, MAY 7, 1778.

Congress took into consideration the report of the committee, on the report and proceedings of the committees of the several states that met at New Haven in January, and on the resolves from North Carolina; and after debate, adjourned to 3 o'Clock.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the [matters] under debate this morning, and after some time spent thereon,

*Resolved*, That the farther consideration thereof be postponed.

The Board of War having recommended

Nathaniel Chapman, Esq<sup>r</sup> to be captain of the additional company to Colonel Flower's regiment of artillery artificers;

John Jordan, Esq<sup>r</sup> to be captain, in the room of David Pancoast, resigned; and,

Henry Strape and Theophilus Park, lieutenants in the same corps;

*Resolved*, That they be appointed, and that commissions be granted to them accordingly.

The Board of Treasury brought in a report; Whereupon,

*Ordered*, That 2,066 60/90 dollars, be paid to William Hoffman, paper maker, being so much advanced him on his account.<sup>1</sup>

*Resolved*, That the resolution of Congress of the 15 January, 1777, empowering the continental treasurer to borrow money on loan office certificates, be, and it hereby is repealed and annulled.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 275.

*Resolved*, That the commissioners appointed for the courts of Spain, Tuscany, Vienna, and Berlin, should live in such style and manner, at their respective courts, as they may find suitable and necessary to support the dignity of their public character; keeping an account of their expences, which shall be reimbursed by the Congress of the United States of America:

That, besides the actual expences of the commissioners, a handsome allowance be made to each of them, as a compensation for his services:

That the commissioners at the other courts in Europe be empowered to draw bills of exchange, from time to time, for the amount of their expences upon the commissioners at the court of France.

Adjourned to 10 o'Clock to Morrow.

FRIDAY, MAY 8, 1778

A letter, of the 7, from James Mease, Esq<sup>r</sup> cloathier general, enclosing a letter of 20 March last, from Raymond Demeré, was read, soliciting the payment of sundry bills of exchange, drawn by the said Demeré:<sup>1</sup>

*Ordered*, To lie on the table.

A letter from Mons. Francey, was read:

*Ordered*, That it be referred to the Board of Treasury.

The committee to whom was referred a letter from the Board of War, respecting the contracts of Colonel Mark Bird, for casting cannon, report, "That they agree in opinion with that Board, that he ought to be allowed ten pounds Pennsylvania currency, per ton, more than the original contract with the cannon committee, in consideration of his loss sustained by the additional quantity of

<sup>1</sup>The letter of Mease is in the *Papers of the Continental Congress*, No. 78, XV, folio 329; that of Demeré is in No. 78, XV, folio 323.

powder required to be used in the proof of the said cannon beyond the first agreement:" Whereupon,

*Resolved*, That the Board of War be authorized to settle with Colonel Mark Bird accordingly, and receive from him the cannon belonging to the United States remaining in his hands.

The commissioners of accounts at the treasury office, with the approbation of the auditor general, report,

That there is a balance of 432 54/90 dollars due to Lieutenant John Grier, of Colonel William Irwin's [regiment,] for pay during the time he was a prisoner:

That there is due to Philip Albright, 56 60/90 [dollars,] for sundry contingencies for the money press in York town:

That there is due to John Thaxter, the sum of 276 33/90 [dollars,] for his services as clerk in the Secretary's office, from the 9th of January to the 5 of May instant.<sup>1</sup>

*Ordered*, That the said accounts be paid.

The committee appointed to prepare an address to the inhabitants of the United States of America, brought in a draught, which was read, and sundry amendments being made therein, was agreed to as follows:

AN ADDRESS OF THE CONGRESS TO THE INHABITANTS OF  
THE UNITED STATES OF AMERICA.

FRIENDS AND COUNTRYMEN: Three years have now passed away, since the commencement of the present war: a war without parallel in the annals of mankind. It hath displayed a spectacle, the most solemn that can possibly be exhibited. On one side, we behold fraud and violence laboring in the service of despotism; on the other, virtue and fortitude supporting and establishing the rights of human nature.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 273.

You cannot but remember how reluctantly we were dragged into this arduous contest; and how repeatedly, with the earnestness of humble intreaty, we supplicated a redress of our grievances from him who ought to have been the father of his people. In vain did we implore his protection: in vain appeal to the justice, the generosity, of Englishmen; of men, who had been the guardians, the assertors and vindicators of liberty through a succession of ages: Men, who, with their swords, had established the firm barrier of freedom, and cemented it with the blood of heroes. Every effort was vain. For, even whilst we were prostrated at the foot of the throne, that fatal blow was struck, which hath separated us for ever. Thus spurned, contemned, and insulted; thus driven by our enemies into measures, which our souls abhorred; we made a solemn appeal to the tribunal of unerring wisdom and justice: to that Almighty Ruler of Princes, whose kingdom is over all.

We were then quite defenceless. Without arms, without ammunition, without clothing, without ships, without money, without officers skilled in war; with no other reliance but the bravery of our people and the justice of our cause. We had to contend with a nation great in arts and in arms, whose fleets covered the ocean, whose banners had waved in triumph through every quarter of the globe. However unequal this contest, our weakness was still farther increased by the enemies which America had nourished in her bosom. Thus exposed, on the one hand, to external force and internal divisions; on the other, to be compelled to drink of the bitter cup of slavery, and to go sorrowing all our lives long; in this sad alternative, we chose the former. To this alternative we were reduced by men, who, had they been animated by one spark of generosity, would have disdained to take such mean advan-

tage of our situation; or, had they paid the least regard to the rules of justice, would have considered with abhorrence a proposition to injure those, who had faithfully fought their battles, and industriously contributed to rear the edifice of their glory.

But, however great the injustice of our foes in commencing this war, it is by no means equal to that cruelty with which they have conducted it. The course of their armies is marked by rapine and devastation. Thousands, without distinction of age or sex, have been driven from their peaceful abodes, to encounter the rigors of inclement seasons; and the face of Heaven hath been insulted by the wanton conflagration of defenceless towns. Their victories have been followed by the cool murder of men, no longer able to resist; and those who escaped from the first act of carnage, have been exposed, by cold, hunger, and nakedness, to wear out a miserable existence in the tedious hours of confinement, or to become the destroyers of their countrymen, of their friends, perhaps, dreadful idea! of their parents or children. Nor was this the outrageous barbarity of an individual, but a system of deliberate malice, stamped with the concurrence of the British legislature, and sanctioned with all the formalities of law. Nay, determined to dissolve the closest bonds of society, they have stimulated servants to slay their masters in the peaceful hour of domestic security. And, as if all this were insufficient to slake their thirst of blood, the blood of brothers, of unoffending brothers, they have excited the Indians against us; and a general, who calls himself a Christian, a follower of the merciful Jesus, hath dared to proclaim to all the world, his intention of letting loose against us whole hosts of savages, whose rule of warfare is promiscuous carnage, who rejoice to murder the infant smiling in its mother's arms, to inflict on their prisoners

the most excruciating torments, and exhibit scenes of horror from which nature recoils.

Were it possible, they would have added to this terrible system; for they have offered the inhabitants of these states to be exported by their merchants to the sickly baneful climes of India, there to perish; an offer not accepted of, merely from the impracticability of carrying it into execution.

Notwithstanding these great provocations, we have treated such of them as fell into our hands with tenderness, and studiously endeavored to alleviate the afflictions of their captivity. This conduct we have pursued so far as to be by them stigmatized with cowardice, and by our friends with folly. But our dependence was not upon man; it was upon Him who hath commanded us to love our enemies, and to render good for evil. And what can be more wonderful than the manner of our deliverances? How often have we been reduced to distress, and yet been raised up? When the means to prosecute the war have been wanting to us, have not our foes themselves been rendered instrumental in providing them? This hath been done in such a variety of instances, so peculiarly marked, almost by the direct interposition of Providence, that not to feel and acknowledge his protection would be the height of impious ingratitude.

At length that God of battles, in whom was our trust, hath conducted us through the paths of danger and distress to the thresholds of security. It hath now become morally certain, that, if we have courage to persevere, we shall establish our liberties and independence. The haughty prince, who spurned us from his feet with contumely and disdain, and the parliament which proscribed us, now descend to offer terms of accommodation. Whilst in the full career of victory, they pulled off the

mask, and avowed their intended despotism: but having lavished in vain the blood and treasure of their subjects, in pursuit of this execrable purpose, they now endeavor to ensnare us with the insidious offers of peace. They would seduce you into a dependence, which necessarily inevitably leads to the most humiliating slavery. And do they believe that you will accept these fatal terms? Because you have suffered the distresses of war, do they suppose that you will basely lick the dust, before the feet of your destroyers? Can there be an American so lost to the feelings which adorn human nature? to the generous pride, the elevation, the dignity of freedom! Is there a man who would not abhor a dependence upon those who have deluged his country in the blood of its inhabitants? We cannot suppose this; neither is it possible that they themselves can expect to make many converts. What, then, is their intention? Is it not to lull you with the fallacious hopes of peace, until they can assemble new armies to prosecute their nefarious designs? If this is not the case, why do they strain every nerve to levy men throughout their islands? Why do they meanly court every little tyrant of Europe to sell them his unhappy slaves? Why do they continue to embitter the minds of the savages against you? Surely this is not the way to conciliate the affections of America. Be not, therefore, deceived. You have still to expect one severe conflict. Your foreign alliances, though they secure your independence, cannot secure your country from desolation, your habitations from plunder, your wives from insult or violation, nor your children from butchery. Foiled in their principal design, you must expect to feel the rage of disappointed ambition. Arise then! to your tents, and gird you for the battle! It is time to turn the headlong current of vengeance upon the head of the destroyer. They have

filled up the measure of their abominations, and, like ripe fruit, must soon drop from the tree. Although much is done, yet much remains to do. Expect not peace, whilst any corner of America is in possession of your foes. You must drive them away from this land of promise, a land flowing indeed with milk and honey. Your brethren at the extremities of the continent, already implore your friendship and protection. It is your duty to grant their request. They hunger and thirst after liberty. Be it yours to dispense to them the heavenly gift. And what is there now to prevent it?

After the unremitted efforts of our enemies, we are stronger than before. Nor can the wicked emissaries who so assiduously labor to promote their cause, point out any one reason to suppose that we shall not receive daily accessions of strength. They tell you, it is true, that your money is of no value, and your debts so enormous they can never be paid; but we tell you that, if Britain prosecutes the war another campaign, that single campaign will cost her more than we have hitherto expended. And yet these men would prevail upon you to take up that immense load, and for it to sacrifice your dearest rights. For, surely, there is no man so absurd as to suppose that the least shadow of liberty can be preserved in a dependent connexion with Great Britain. From the nature of the thing, it is evident, that the only security you could obtain, would be the justice and moderation of a parliament who have sold the rights of their own constituents. And this slender security is still farther weakened by the consideration that it was pledged to rebels (as they unjustly call the good people of these states) with whom they think they are not bound to keep faith by any law whatsoever. Thus would you be cast bound among men whose minds, by your virtuous resist-



ence, have been sharpened to the keenest edge of revenge. Thus would your children, and your children's children, be by you forced to a participation of all their debts, their wars, their luxuries, and their crimes. And this mad, this impious system, they would lead you to adopt because of the derangement of your finances.

It becomes you deeply to reflect on this subject. Is there a country on earth which hath such resources for the payment of her debts as America? such an extensive territory? so fertile, so blessed in its climate and productions? Surely there is none. Neither is there any to which the wise Europeans will sooner confide their property. What, then, are the reasons that your money hath depreciated? Because no taxes have been imposed to carry on the war: because your commerce hath been interrupted by your enemy's fleets: because their armies have ravaged and desolated a part of your country: because their agents have villainously counterfeited your bills: because extortioners among you, inflamed with the lust of gain, have added to the price of every article of life; and because weak men have been artfully led to believe that it is of no value. How is this dangerous disease to be remedied? Let those among you who have leisure and opportunity, collect the moneys which individuals in their neighborhood are desirous of placing in the public funds. Let the several legislatures sink their respective emissions, that so, there being but one kind of bills, there may be less danger of counterfeits. Refrain a little while from purchasing those things which are not absolutely necessary, that so those who have engrossed commodities may suffer (as they deservedly will) the loss of their ill-gotten hoards, by reason of the commerce with foreign nations, which their fleets will protect. Above all, bring forward your armies into the field. Trust not to appearances of peace or safety. Be assured that, unless you persevere, you will

be exposed to every species of barbarity. But, if you exert the means of defence which God and nature have given you, the time will soon arrive when every man shall sit under his own vine and under his own fig-tree, and there shall be none to make him afraid.

The sweets of a free commerce with every part of the earth will soon reimburse you for all the losses you have sustained. The full tide of wealth will flow in upon your shores, free from the arbitrary impositions of those, whose interest and whose declared policy it was to check your growth. Your interests will be fostered and nourished by governments, that derive their power from your grant, and will therefore be obliged, by the influence of cogent necessity, to exert it in your favor.

It is to obtain these things that we call for your strenuous, unremitted exertions. Yet do not believe that you have been, or can be saved merely by your own strength. No! it is by the assistance of Heaven, and this you must assiduously cultivate, by acts which Heaven approves. Thus shall the power and the happiness of these sovereign, free and independent states, founded on the virtue of their citizens, increase, extend and endure, until the Almighty shall blot out all the empires of the earth.

*Resolved*, That it be recommended to ministers of the gospel of all denominations to read or cause to be read, immediately after divine service, the above address to the inhabitants of the United States of America, in their respective churches and chapels, and other places of religious worship.

A petition from Jacob Gerhard Dercks was read.

*Ordered*, That it be referred to General Washington.

A letter, of the 7th, from Mr. Simeon Deane, with sundry papers enclosed, was read:

*Ordered*, That it be referred to the Board of Treasury.

## THREE O'CLOCK, P. M.

The committee appointed to examine into the conduct of Mr. Folger, touching a certain packet from the commissioners of these United States at Paris, which had been robbed, report,<sup>1</sup>

"That they have made as full an examination into that business as the evidence they were able to obtain would permit, and, on the whole, have no proof of any guilt in Mr. Folger:" Whereupon,

*Resolved*, That Mr. Folger be permitted to go home, and that his expences be paid him, as well such as have been already incurred as such as may necessarily accrue on his journey home.

Congress resumed the consideration of the report of the committee of the whole, on a provision for officers after the war; Whereupon, a motion was made to add,

"Provided, also, that the foregoing resolutions shall not extend to any foreign officers, who now are or hereafter may be in the service of the United States:"

A previous question was moved, whether that question be now put? ||and the yeas and nays being required,||

*Massachusetts Bay,*

Mr. Gerry,	no	} no
Lovell,	no	
Dana,	ay	

*Rhode Island,*

Mr. Ellery,	ay	} ay
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*Connecticut,*

Mr. Sherman,	no	} no
Wolcott,	no	

*New Jersey,*

Mr. Scudder,	no	} no
--------------	----	------

*Pennsylvania,*

Mr. James Smith,	ay	} ay
J. B. Smith,	ay	
Clingan,	ay	

*Maryland,*

Mr. Chase,	no	} no
Carroll,	no	
Henry,	no	
Plater,	no	

*Virginia,*

Mr. R. H. Lee,	no	} no
F. L. Lee,	no	
T. Adams,	no	

*South Carolina,*

Mr. Laurens,	no	} no
Mathews,	no	
Hutson,	no	

*Georgia,*

Mr. Langworthy,	no	} no
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<sup>1</sup> The papers relating to this case are in the *Papers of the Continental Congress*, No. 59, I, folios 69 *et seq.*

||So it passed in the negative.||

A motion was then made to add,

“Provided, also, that the provision of half-pay shall not extend to any officer who shall take or hold any commission from any foreign prince, power or potentate, and be liable to be called into the service of the prince, power or potentate of whom he is a subject:”

A previous question was moved, whether that question be now put? ||and the yeas and nays being required,||

<i>Massachusetts Bay,</i>			<i>Maryland,</i>		
Mr. Gerry,	no	} no	Mr. Chase,	no	} no
Lovell,	no		Carroll,	no	
Dana,	ay		Henry,	no	
<i>Rhode Island,</i>			Plater,	no	
Mr. Ellery,	ay	ay	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. R. H. Lee,	no	} no
Mr. Sherman,	ay	} div.	F. L. Lee,	ay	
Wolcott,	no		T. Adams,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Scudder,	ay	ay	Mr. Laurens,	no	} no
<i>Pennsylvania,</i>			Hutson,	no	
Mr. James Smith,	ay	} ay	Mathews,	no	
J. B. Smith,	ay		<i>Georgia,</i>		
Clingan,	ay		Mr. Langworthy,	no	no

||So it passed in the negative.||

A letter, of the 8, from Matthew Irwin, was read:<sup>1</sup>

*Ordered,* To lie on the table.

Adjourned to 10 o’Clock to Morrow.

SATURDAY, MAY 9, 1778

A letter, of the 8, from the Board of War, was read:

*Ordered,* That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report;

Whereupon,

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 71.

*Ordered*, That 200 dollars be paid to Charles Cist and James Claypoole, towards defraying their expences on their employment by the treasurer in superintending the making of paper for loan office certificates and bills of exchange; they to be accountable.

*Ordered*, That 20,000 dollars be advanced to the Marine Committee, for the use of the navy board in the middle district; the said Committee to be accountable.

That 24,000 dollars be advanced to the Committee of Commerce, to be by them paid to Mons. de Francey, for the use of the house of Messrs. Roderique Hortales & Co. and to be charged them by the said Committee of Commerce, who are to be accountable.<sup>1</sup>

*Resolved*, That a member be elected for the navy board in the middle district, in the room of John Nixon, Esq<sup>r</sup>: resigned; the ballots being taken, William Smith, Esq<sup>r</sup>: of Baltimore, was elected.

The Marine Committee, to whom the letter from Baron Steuben, recommending Captain Landais was referred, report, "That they have had a conference with Captain Landais; that he produced brevet commissions of his being a lieutenant and captain in the navy of France, also a continental commission dated 1 March, 1777, appointing him captain of the ship *Heureux*, or *Flamand*, which commission is accompanied with these words in a letter from Silas Deane, Esq<sup>r</sup>: "I give you a commission to use in case of necessity or the advantage of making a prize; but you are not to go out of your course for that purpose; you will keep an account of your expences, which will be paid you on your arrival in America. I shall write to the Congress by other conveyances, and assure them that you have received nothing but your expence, and your gener-

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 277.

ous confidence in them will not pass unnoticed." That Mr. Deane, in letters to the Marine Committee, recommends Mr. Landais in the strongest terms; that it appears to the committee that Captain Landais hath performed the business he was employed on with zeal and activity; that by his spirited behaviour a mutiny was quelled on board the ship *Flamand*, and she and her lading brought safely into port; Whereupon,

*Resolved*, That a sum of money be paid to Captain Landais, and that the Marine Committee be directed to report a pecuniary consideration, adequate to his services.

*Resolved*, That Captain Landais be continued as a captain in the navy of the United States.

Whereas there are more captains in the navy than there are ships provided for them:

*Ordered*, That the Committee for Foreign Affairs be directed to write to the commissioners of the United States at foreign courts, and inform them, that Congress expect they will not recommend any foreign sea officers, nor give any of them the least expectation of being employed as captains in the navy of the United States.

Congress resumed the consideration of the report of the committee of the whole, on a provision to be made for officers after the war, and some time being spent thereon, the farther consideration thereof was postponed to Monday next.

*Ordered*, That on Saturday next Congress take into consideration the articles of confederation, and that on or before Wednesday next, the delegates of the several states lay on the table for the perusal of the members, any objections made or amendments proposed to the confederacy by their states.

## A PROCLAMATION

Whereas Congress have received information and complaints, "that violences have been done by American armed vessels to neutral nations, in seizing ships belonging to their subjects and under their colours, and in making captures of those of the enemy whilst under the protection of neutral coasts, contrary to the usage and custom of nations:" to the end, that such unjustifiable and piratical acts, which reflect dishonour upon the national character of these states, may be in future effectually prevented, the said Congress hath thought proper to direct, enjoin and command, and they do hereby direct, enjoin and command, all captains, commanders and other officers and seamen belonging to any American armed vessels, to govern themselves strictly in all things agreeably to the tenor of their commissions, and the instructions and resolutions of Congress; particularly that they pay a sacred regard to the rights of neutral powers and the usage and custom of civilized nations, and on no pretence whatever presume to take or seize any ships or vessels belonging to the subjects of princes or powers in alliance with these United States, except they are employed in carrying contraband goods or soldiers to our enemies, and in such case that they conform to the stipulations contained in treaties subsisting between such princes or powers and these states; and that they do not capture, seize or plunder any ships or vessels of our enemies, being under the protection of neutral coasts, nations or princes, under the penalty of being condignly punished therefor, and also of being bound to make satisfaction for all matters of damage and the interest thereof by reparation, under the pain and obligation of their persons and goods. And further, the said Congress doth hereby resolve and declare, that persons wilfully offending in any of the foregoing instances, if taken by any foreign powers in consequence thereof, will not be considered as having a right to claim protection from these states, but shall suffer such punishment as by the usage and custom of nations may be inflicted upon such offenders.

Given in Congress at York, in the State of Pennsylvania, this ninth day of May, Anno Domini 1778.<sup>1</sup>

Adjourned to 10 o'Clock on Monday.

<sup>1</sup> This proclamation, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 24, folio 435.

## MONDAY, MAY 11, 1778

A letter, of the 1, from Governor Henry, of Virginia, and one of the 30 April, from B. Harrison, deputy pay master general in Virginia, with his monthly account, were read :

*Ordered*, That they be referred to the Board of Treasury.

A letter, of 1st, from W. Aylett, Esq<sup>r</sup> deputy commissary general of purchases in Virginia, was read, respecting the pork bought of Hewes & Co. and damages recovered of them on account of its bad quality.<sup>1</sup>

Whereas, it hath been represented unto us that a certain snow, called *Our Lady of Mount Carmel and St. Anthony*, said to be the property of Messrs. John Ignatius de Oliveria Pereira and Anthony dias dos Santos, subjects of his most faithful majesty the king of Portugal, and bound from the Brazils to Fayal, was taken on the high seas by a private armed vessel, commissioned by these United States, and sent as a prize into the State of Massachusetts bay; that the said vessel, being duly libelled in the courts of the said State, was acquitted; and that no owner hath appeared to claim the said snow and her cargo, the master of the said snow having, as is said, been sent home in another vessel, at his own request, by the master of the said armed vessel; and whereas it hath been further represented unto us, that divers of the commodities in the said snow contained are perishable; that damage may arise from permitting the vessel and cargo to continue in their present situation, and that it would be dangerous to send the said snow to the place of her former destination, as she might be made prize of by ships in the service of the king of Great Britain.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 165.



Now, therefore, to the end that right may in this behalf be done,

*Resolved*, That the Board of War of the said State of Massachusetts bay be requested to make sale, with all convenient speed, in the best manner, and for the most money possible, of the said snow and her cargo, to deposit the net proceeds thereof, after deducting all costs and charges, which shall then be due thereon, in the public funds of these United States; and to transmit an exact account thereof to the Committee of Foreign Affairs:

That the said committee do transmit such account, and a copy of the proceedings of the court of admiralty relative to said snow, together with these resolutions, to the commissioner or commissioners of these states, who may then be and reside at the court of his most Christian majesty; and

That the said commissioner or commissioners do inform the ambassador or resident of his most faithful majesty at the said court, of the premises, in order that the lawful and rightful owners of the said snow and her cargo, may obtain proper certificates, and authentic proof of their property in the same, and thereby be enabled, either personally or by their lawful attorney, to appear, demand, and receive the moneys so deposited as aforesaid, together with the interest thereof.

It is nevertheless provided, that nothing in the foregoing resolutions contained, shall be construed to bar the lawful and rightful owners of the said snow, and of her cargo, from their action or actions against the master or owners of the said private armed vessel, or any of them, for damages sustained beyond the money so to be deposited by reason of the capture aforesaid; any clause or article thereof to the contrary in any wise notwithstanding:

||On the question put, to agree to the foregoing resolution, the yeas and nays being required,||

<i>Massachusetts Bay,</i>			<i>Delaware,</i>		
Mr. Lovell,	ay	} *	Mr. M'Kean,	ay	} ay
Dana,	no				
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} no	Mr. Carroll,	no	} ay
			Henry,	ay	
<i>Connecticut,</i>			Plater,	ay	
Mr. Sherman,	no	} no	<i>Virginia,</i>		
Huntington,	no		Mr. R. H. Lee,	ay	} ay
Wolcott,	no		F. L. Lee,	ay	
<i>New York,</i>			T. Adams,	ay	
Mr. G. Morris,	ay	} *	<i>South Carolina,</i>		
			Mr. Laurens,	no	} no
<i>New Jersey,</i>			Hutson,	ay	
Mr. Scudder,	no	} no	Mathews,	no	
<i>Pennsylvania,</i>			<i>Georgia,</i>		
Mr. J. B. Smith,	ay	} ay	Mr. Langworthy,	ay	} ay
James Smith,	ay				
Clingan,	no				

||So it was resolved in the affirmative.||

*Ordered,* That the committee to whom was referred the memorial of the 6 of March last, from R. Morris, Esq<sup>r</sup> be discharged from proceeding on that business.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered,* That 16,000 dollars be paid to Joseph Nourse, Esq<sup>r</sup> pay master to the Board of War and Ordnance, to be by him transmitted to Count Pulaski, for the purpose of purchasing horses and recruiting his corps; who is to be accountable.

A letter, of this day, from Joseph Nourse, Esq<sup>r</sup> pay master of the Board of War and Ordnance, was read, informing that "the Board of War have directed him to apply for 25,000 dollars for George Ewing, commissary

of hides, to enable him to furnish his deputies with money for their respective districts, to pay his workmen, and discharge debts contracted by him on public account;"<sup>1</sup> Whereupon,

*Resolved*, That the sum of twenty-five thousand dollars applied for by the commissary of hides, be paid to the Board of War, and that they employ a discreet and proper person to apply the said money to the department of hides, until due enquiry shall be made into the conduct of the said commissary.

Congress proceeded to the election of a commissary of prisoners, in the room of Elias Boudinot, Esq<sup>r</sup> resigned, and the ballots being taken,

Colonel Francis Johnson was elected.

Adjourned to 10 o'Clock to Morrow.

**TUESDAY, MAY 12, 1778**

A letter, of 10, from Udney Hay, with sundry papers enclosed, was read:<sup>2</sup>

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [Francis] Dana, and Mr. [Charles] Carroll.

A letter, of the 10, from Colonel George Morgan, at York Town, was read:<sup>3</sup> Whereupon,

*Resolved*, That so much of the said letter as relates to his accounts, together with his accounts accompanying the same, be referred to the Board of Treasury:

That so much of the said letter as relates to Indian affairs, be referred to the Committee on Indian Affairs:

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 43.

<sup>2</sup> The letter from Hay is in the *Papers of the Continental Congress*, No. 41, IV, folio 273.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 163, folio 337.

That the Board of War be directed to make enquiry into the causes of the loss of the boats on the Ohio, mentioned in the said letter, and report thereon to Congress.

Congress resumed the consideration of the report of the committee of the whole, respecting an allowance to officers after the war, and after some time spent thereon, the farther consideration thereof was postponed till to morrow.

Adjourned to 10 o'clock ||to Morrow||.

WEDNESDAY, MAY 13, 1778

A letter, of 26 April, from Colonel Alexander M'Clenaghan, of the seventh Virginia regiment, was read, representing, that the bad state of his health renders him unfit to serve his country in such manner as he could wish, and that there is no appearance of his being able to take the field this campaign, and therefore requests leave to resign:

*Resolved*, That his resignation be accepted.

A letter, of the 11, from Matthew Clarkson, Esq. was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 20th April, from Brigadier Stark; one, of 6 May, from Captain Noirmont Laneuville; and a petition from Major Debois, were read:<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

A remonstrance from John Jeffers was read, praying to be paid for rum,<sup>2</sup> seized by order of the Board of War, for the use of the army: Whereupon,

<sup>1</sup> A petition of Debois, dated March 10, is in the *Papers of the Continental Congress*, No. 78, II, folio 403.

<sup>2</sup> This petition, dated May 18, is in the *Papers of the Continental Congress*, No. 48, folio 135.

*Resolved*, That all applications for payment of rum, seized by order of the Board of War, for the use of the army, be made to the said Board, who are hereby directed and authorized to liquidate and adjust the same as they shall think equitable and proper.

A letter, of the 11 May, from General Washington, enclosing a letter of the 10th, from General Howe, respecting an exchange of prisoners, was read:

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. R[ichard] H[enry] Lee, and Mr. [Charles] Carroll.

A letter, of the 27 April, from Major General Heath, enclosing a copy of a letter from John Morrison, with General Heath's answer, respecting the supplying the troops of the convention with provisions, &c. was read:

*Ordered*, That the same be referred to the foregoing committee.<sup>1</sup>

A petition of John Sackville Higgins, at Boston, was read, praying for leave to return to England on parole, or to go to New York to solicit an exchange:

*Ordered*, That it be referred to General Washington.

A memorial from Mons. [Noirmont de] Laneuville, with sundry papers accompanying the same, was read:

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. [James] Lovell, Mr. [Charles] Carroll, and Mr. [William] Duer.

A letter, of this day, from General Lee, was read:<sup>2</sup>

*Ordered*, That the consideration thereof be postponed till to morrow.

<sup>1</sup> The letters of Washington and Howe are in the *Papers of the Continental Congress*, No. 152, VI, folios 21 and 25; that of Heath is in No. 157, folio 117.

<sup>2</sup> The memorial of Laneuville is in the *Papers of the Continental Congress*, No. 78, XVII, folio 87; the letter of Lee is in No. 158, folio 112.

The Marine Committee, to whom was referred the memorial from Messrs. F. Hopkinson and J. Wharton, brought in a report; Whereupon,

*Ordered*, That six hundred dollars be allowed to each of the memorialists, for their extra services in Bordentown, and to defray their expences to Baltimore.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on Nathaniel Appleton, Esq<sup>r</sup> commissioner of the continental loan office in the State of Massachusetts bay, for 11,666 $\frac{2}{3}$  dollars, in favour of the Committee of Commerce, to enable them to pay Archibald Mercer and Philip Moore, the valuation of the ship *Two Friends*, and the ship *Moore*, chartered and insured by the said Committee, and taken by the enemy, as appears to them by protests regularly made; the said Committee to be accountable:

That 10,174 88/90 dollars be advanced to the Committee of Commerce, to discharge Samuel and Robert Purviance's bill of the 25 April last, on the said Committee, in favour of Elbridge Gerry, Esq<sup>r</sup> for that sum, it being the amount of their accounts against the ship *Chase* and snow *George*; the said committee to be accountable:

That 20,000 dollars be advanced to William Buchanan, Esq<sup>r</sup> late commissary general of purchases, to be by him paid to Colonel George Morgan, to the use of the commissary general's department in the western district; the said William Buchanan, Esq<sup>r</sup> to be accountable:<sup>1</sup>

That 30,000 dollars be advanced to Colonel George Morgan, to be by him transmitted to John Baynton, Esq. pay master of the western district at Fort Pitt, who is to be accountable:

<sup>1</sup> This report, dated May 12, is in the *Papers of the Continental Congress*, No. 136, II, folio 285.

That 60,000 dollars be advanced to William Buchanan, Esq. late commissary general, for the use of the middle district of the commissary general's department; the said William Buchanan to be accountable:

That 10,000 dollars be advanced to Joseph Nourse, pay master to the Board of War and Ordnance, to be by him transmitted to Lieutenant Colonel Temple, upon the application of Colonel Theophilus Bland, of the first regiment of light dragoons, to purchase cloathing for the same; the said Colonel Bland to be accountable:

*Ordered*, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office for the State of Pennsylvania, in favour of William Buchanan, Esq. late commissary general of purchases, for 25,696 60/90 dollars, to discharge a demand of Blair M'Clenaghan, for a quantity of rum purchased of him agreeable to an order of Congress of the 12th day of September last; and that the commissioner of the loan office be directed to date the certificates the 25 day of December last, it being the time that Mr. M'Clenaghan applied for the certificates, agreeable to his contract; the said William Buchanan to be accountable:

*Ordered*, That 200 dollars be advanced to Captain M'Ree, to discharge John Ashe, provincial treasurer of the state of North Carolina, his draught dated 10 May, 1777, in favour of Francis Child, and expressed to be for the service of the United States; the said State to be accountable.<sup>1</sup>

*Ordered*, That Colonel Bland make a particular return of the cloathing by him purchased and distributed to his men, with the names of the men receiving the same, to the cloathier general, in order that a proper charge may be made thereof in his books.

<sup>1</sup> This report, dated May 12, is in the *Papers of the Continental Congress*, No. 136, II, folio 281.

The commissioners of claims at the Board of Treasury, with the approbation of the auditor general, report,

That there is due to Mr. Simeon Deane, a balance of 685 80/90 dollars, on account of his expences in bringing despatches from the commissioners at Paris:

That there is due to the Rev. Mons. Lotbinier, chaplain to Colonel James Livingston's regiment, for pay and rations from 11th March to 10 May, inclusive, 101 dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

*Ordered*, That 3,000 dollars be paid Mr. Simeon Deane, in consideration of his faithful execution of a most important trust reposed in him by the commissioners of these states at Paris.

Congress resumed the consideration of the report ||of the committee|| of the whole, on an allowance to be made to officers after the close of the present war; Whereupon, it was moved,

That the report of the committee of the whole, as amended by Congress, be referred to the consideration of the legislatures of the several states, for their opinion and directions thereon:

||And the yeas and nays being required,||

<i>Massachusetts Bay,</i>			<i>New York,</i>		
Mr. Gerry,	no	} ay	Mr. Duer,	no	} no
Lovell,	ay		G. Morris,	no	
Dana,	ay		<i>New Jersey,</i>		
<i>Rhode Island,</i>			Mr. Scudder,	ay	ay
Mr. Ellery,	ay	ay	<i>Pennsylvania,</i>		
<i>Connecticut,</i>			Mr. R. Morris,	no	} no
Mr. Sherman,	ay	} ay	James Smith,	no	
Huntington,	ay		Clingan,	ay	
Wolcott,	ay		<i>Delaware,</i>		
			Mr. M'Kean,	no	no

<sup>1</sup> This report, dated May 12, is in the *Papers of the Continental Congress*, No. 136, II, folio 279.



<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Carroll,	no	} no	Mr. Laurens,	ay	} ay
Plater,	no		Hutson,	ay	
Henry,	no		Mathews,	no	
<i>Virginia,</i>			<i>Georgia,</i>		
Mr. R. H. Lee,	no	} no	Mr. Langworthy,	no	} no
F. L. Lee,	no				
T. Adams,	no				

So it passed in the negative.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, MAY 14, 1778

A letter, of the 12, from General Washington, with sundry papers enclosed, was read:<sup>1</sup>

*Ordered*, That so much of the said letter as relates to the destruction of the frigates in the Delaware, be referred to the Marine Committee, and the remainder to the Board of War.

A letter, of the 9th, from Lieutenant Colonel Ethan Allen, was read; Whereupon,<sup>2</sup>

*Resolved*, That a brevet commission of colonel be granted to Ethan Allen, in reward of his fortitude, firmness and zeal in the cause of his country, manifested during the course of his long and cruel captivity, as well as on former occasions.

A letter, of the 11th, from General Gates, at Reading, was read; Whereupon,

*Resolved*, That a deputy adjutant general be appointed for the army in the northern department, under the command of General Gates:

The ballots being taken, Lieutenant Colonel Robert Troup was elected.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 31.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 35.

A letter, of the 12, from Thomas Wharton, Jun<sup>r</sup>, Esq<sup>t</sup> president of the council of Pennsylvania;

A letter, of the 13th, and one of the 18 April, from Mr. President Lowndes, of South Carolina; and one, of the 20 April, from Brigadier General Moultrie, were read:<sup>1</sup>

*Ordered*, That they be referred to a committee of three;

The members chosen, Mr. [John] Henry, Mr. [Thomas] Adams and Mr. [John] Mathews.

An application from Baron Bose was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of this day, from the Board of War, enclosing a letter of the 10th, from John Penn and Benjamin Chew, was read:<sup>3</sup>

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. [Thomas] M'Kean, Mr. [Charles] Carroll, and Mr. James Smith.

*Ordered*, That the Committee for Indian Affairs, to whom the letter of the 2 from the council of Pennsylvania was referred, be discharged from proceeding on that business, and that the said letter be referred to the Board of War.

A letter, of the 16, from William Gibbes, William Parker, and Edward Blake, commissioners of the continental loan office in the State of South Carolina, to the continental treasurer, was laid before Congress, and read.<sup>4</sup>

<sup>1</sup> The letter from Wharton is in the *Papers of the Continental Congress*, No. 69, I, folio 509; that of Lowndes is in No. 72, folio 445; and that of Moultrie, in No. 158, folio 453.

<sup>2</sup> This application is in the *Papers of the Continental Congress*, No. 78, II, folio 489.

<sup>3</sup> These letters are in the *Papers of the Continental Congress*, No. 147, II, folios 25 and 29.

<sup>4</sup> This letter is in the *Papers of the Continental Congress*, No. 59, III, folio 11.

*Ordered*, That it be referred to the Committee of Commerce, who are to report thereon.

*Ordered*, That the memorial from sundry inhabitants of Nova Scotia, which was read the 6th, be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. F[rancis] L[ightfoot] Lee and Mr. G[ouverneur] Morris.<sup>1</sup>

A representation of the bishops and elders of the United Brethren settled in Pennsylvania, was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [William] Ellery, Mr. [Thomas] M'Kean, and Mr. [Charles] Carroll.

The Committee of the Treasury brought in a report; Whereupon,

*Ordered*, That 11,000 dollars be advanced to Edward Langworthy, delegate from the State of Georgia, on his application, for the use of that State, which is to be accountable.<sup>2</sup>

The State of South Carolina having transmitted a state of their accounts against the United States,

*Ordered*, That it be referred to the Board of Treasury.

The committee to whom were referred the letters and certificates respecting Mons. de la Neuville, report, "that they have duly examined the same, and find that Mons. de la Neuville, the elder, is recommended by Baron de

<sup>1</sup>This memorial, dated March 3, is in the *Papers of the Continental Congress*, No. 41, VII, folio 21.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 287. It was to discharge a bill drawn on him by William O'Bryen, treasurer of Georgia, in favor of George Nichols. On this report Thomson has noted the votes for a committee: R. H. Lee, 4; G. Morris, 3; Duer, 7; Mathews, 1; Plater, 3; F. L. Lee, 4; Dana, 3; Sherman, 2; Hutson, 1. This committee can only answer to that appointed on the Nova Scotia memorial, by assuming that Duer declined to serve, and a new ballot was taken.

On the same report is noted the vote for the committee on the representation of the United Brethren: Ellery, 6; McKean, 6; Carroll, 6; G. Morris, 5; J. B. Smith, 2; Scudder, 2; Dana, 1; Mathews, 1; Sherman, 1.

Wurmser, Lieutenant General in the French service, as an officer of great zeal, activity and knowledge, and as one who may be usefully employed in all military operations; that he is recommended to General Washington by the Marquis de Bouilley, governor of Martinico, as an intelligent officer, not only acquainted with the theory, but practice of war, having served several campaigns in Germany; that he is also recommended to General Washington by Mons. Merlet, quarter master general of the French army, and pointed out in that recommendation as a proficient in the science of tactics, and consequently very capable of forming and disciplining bodies of infantry; that these recommendations are further strengthened by the favourable testimonies of the Marquis de la Fayette and Major General Conway;" Whereupon,

*Resolved*, That it is the interest of the United States to employ Mons. de la Neuville as inspector of the army under the command of Major General Gates: ~~and that the faith of Congress be engaged to promote the said Mons. de la Neuville to the rank of Brigadier General [Colonel] by brevet, after two [three] months service, provided he shall obtain at the end thereof, from General Gates, or the commanding officer, in the northern department, sufficient testimonials of his having discharged the duties of an inspector with honor to himself and advantage to the public.~~<sup>1</sup>

||On putting this question, the yeas and nays being required,||

*Massachusetts Bay,*

Mr. Gerry,	ay	} no
Lovell,	no	
Dana,	no	

*Connecticut,*

Mr. Sherman,	no	} no
Huntington,	no	
Wolcott,	no	

*New York,*

*Rhode Island,*

Mr. Ellery,	no	no
-------------	----	----

Mr. Duer,	ay	} ay
G. Morris,	ay	

<sup>1</sup> The cancelled words were in the original report.

<i>New Jersey,</i>			<i>Virginia,</i>		
Mr. Scudder,	ay	ay	Mr. R. H. Lee,	ay	} ay
<i>Pennsylvania,</i>			F. L. Lee,	ay	
Mr. R. Morris,	no	} no	T. Adams,	ay	
James Smith,	no		<i>South Carolina,</i>		
J. B. Smith,	ay		Mr. Laurens,	ay	} ay
Clingan,	no		Hutson,	ay	
<i>Delaware,</i>			Mathews,	ay	
Mr. M'Kean,	ay	ay	<i>Georgia,</i>		
<i>Maryland,</i>			Mr. Langworthy,	no	no
Mr. Carroll,	ay	} ay			
Henry,	no				
Plater,	ay				

So it was resolved in the affirmative.

*Resolved*, That Monsr. de la Neuville's pay as inspector be 105 dollars a month, and six rations a day; his pay and rations to commence from the time of his entering into the service of the United States, ~~as well from the consideration of the great delay he has met with, in waiting the determination of Congress, and of his heavy expences, occasioned by a long and perilous voyage to and sejour in a foreign and very dear country, as from the nature of the office it is proposed he shall execute, which requires unre-mitted assiduity, and will be attended with great fatigue both of body and mind.~~<sup>1</sup>

*Resolved*, That Monsr. la Neuville be informed, that Congress will be disposed, after an experience of his services of an inspector to the army under General Gates, for the space of three months, to confer on him such rank as his merits may justly entitle him to.

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup>This report, in the writing of Henry Laurens, is in the *Papers of the Continental Congress*, No. 19, II, folio 69. The cancelled words were in the original report.

FRIDAY, MAY 15, 1778

A letter, of 5 May, from Governor Trumbull, was read.

One, of the 30th April, from Jonathan Trumbull, Jun. pay master in the northern department;

One, of the 29 of same month, from Joseph Trumbull, late commissary general, were read:<sup>1</sup>

*Ordered*, That the same be referred to the Board of Treasury.

A letter, of the 9th, from William Denning, Esq. was read.<sup>2</sup>

A paragraph of a letter of 27 April, from Governor Livingston, was laid before Congress, and read:

*Ordered*, That it be referred to the Board of Treasury.

Congress having received information, that divers infractions have been made by officers in the service of the king of Great Britain, upon the convention of Saratoga, particularly by compelling some of the prisoners to bear arms against these United States, since their return to Canada;

*Resolved*, That his excellency Governor Clinton, of New York, be requested to take such measures as he shall deem most prudent and effectual for ascertaining the truth of this information, and to transmit to Congress the evidence which he may obtain.

*Resolved*, That the sum of two thousand dollars in specie, and ten thousand dollars in continental money, be advanced to Governor Clinton, for defraying the necessary expences

<sup>1</sup> The letter of Governor Trumbull is in the *Papers of the Continental Congress*, No. 66, I, folio 390.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, VII, folio 196.

of executing the foregoing resolution; and that the Board of Treasury be authorized to pay the said sums.<sup>1</sup>

Congress resumed the consideration of the report of the whole, on an allowance to be made to officers after the war, and an amendment being by general consent admitted, a question was put on the whole report as amended; and

*Resolved, unanimously,* That all military officers commissioned by Congress, who now are, or hereafter may be, in the service of the United States, and shall continue therein during the war, and shall not hold any office of profit under these states, or any of them, shall, after the conclusion of the war, be entitled to receive annually, for the term of seven years, if they live so long, one half of the present pay of such officers; provided, that no general officer of the cavalry, artillery or infantry shall be entitled to receive more than the one half part of the pay of a colonel of such corps respectively; and provided, that this resolution shall not extend to any officer in the service of the United States, unless he shall have taken an oath of allegiance to, and shall actually reside within some one of the United States.

*Resolved, unanimously,* That every non-commissioned military officer and soldier, who hath inlisted, or shall inlist, into the service of these states, for and during the war, and shall continue therein to the end thereof, shall be entitled to receive the further reward of eighty dollars at the expiration of the war.

The two foregoing resolutions containing the whole report as amended, being put together, and the yeas and nays taken,

<sup>1</sup>These resolutions, in the writing of Charles Thomson, are in the *Papers of the Continental Congress*, No. 57, folio 287. There is a note on the same sheet: "Wait for 1,000 Dollars in Specie, d'd 2d Dec'r. in favor of Abraham B. Bancker."

<i>Massachusetts bay,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	} ay	Mr. M'Kean,	ay	} ay
Lovell,	no		<i>Maryland,</i>		
Dana,	ay		Mr. Carroll,	ay	
<i>Rhode Island,</i>			Henry,	ay	} ay
Mr. Ellery,	ay	} ay	Plater,	ay	
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Sherman,	ay	} ay	Mr. R. H. Lee,	ay	} ay
Huntington,	ay		F. L. Lee,	ay	
Wolcott,	no		T. Adams,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duer,	ay	} ay	Mr. Laurens,	ay	} ay
G. Morris,	ay		Hutson,	ay	
<i>New Jersey,</i>			Mathews,	ay	
Mr. Scudder,	ay	} ay	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Langworthy,	ay	} ay
Mr. R. Morris,	ay	} ay			
J. B. Smith,	ay				
James Smith,	ay				
Clingan,	ay				

So it was resolved in the affirmative.

A letter of this day, from General Mifflin, was read:<sup>1</sup>

*Ordered,* That it be referred to a committee of three;

The members chosen, Mr. G[ouverneur] Morris, Mr. [Charles] Carroll, and Mr. [Francis] Dana.

The committee to whom was referred the letter from John Penn and Benjamin Chew, Esqrs. dated 10th instant, and directed to the Board of War, brought in a report; Whereupon,

*Resolved,* That John Penn and Benjamin Chew, Esqrs. be conveyed, without delay, into the State of Pennsylvania, and there discharged from their parole, and that their excellencies the president of Pennsylvania and the governor of New Jersey be severally furnished immediately with a copy of this act.

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 161, folio 36.



SATURDAY, MAY 16, 1778

A letter, of this date, from I. Melcher, was read.<sup>1</sup>

*Ordered*, That it be referred to the Board of War, who are directed to enquire into the state of the barrack master's department, the number of deputies employed and the places where, and report thereon.

A report, from Governor Livingston was laid before Congress and read, wherein he informs, that in pursuance of the resolution of Congress of the 19 February he has removed Gifford Dally, deputy quarter master at Morristown, in that State, for "misbehaviour and neglect of duty," and appointed in his place Benjamin Lindsey, Esq. during the will and pleasure of Congress, or such his superior officer as is or may be authorized to remove him; that he has reduced the number of assistants employed by Joseph Dewees, deputy commissary in the same place, from four to three;<sup>2</sup>

*Ordered*, That the said report be referred to a committee of three;

The members chosen, Mr. [Gouverneur] Morris, Mr. [Francis] Dana, and Mr. [William] Ellery.

The Committee on the Treasury brought in a report: Whereupon,

*Ordered*, That 100,000 dollars to be paid to Dr. Thomas Bond, Jun. to be by him delivered to Dr. Jonathan Potts, deputy director general, for the use of the hospitals of the middle district; the said Dr. J. Potts to be accountable:

That 20,000 dollars be advanced to the Committee of Commerce, to enable them to discharge four bills drawn

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 337.

<sup>2</sup> This report, dated May 9, is in the *Papers of the Continental Congress*, No. 68, folio 357.

on them by Abraham Livingston, Esq. continental agent at Charleston, dated the 18, 19, 20 and 21 of March, for that sum.<sup>1</sup>

*Resolved*, That the invoice of articles to be imported from France, together with the list of medicines, approved by Congress, be signed by the Committee of Commerce, and transmitted to the commissioners of the United States at Paris, who are authorized and directed to apply to the house of Roderique Hortalez & Co. for such of the said articles as they shall not have previously purchased or contracted for.

*Ordered*, That copies of the invoices be delivered to Mons. de Francy, agent for Roderique Hortalez & Co. together with a copy of the foregoing resolution.

*Resolved*, That the articles to be shipped by the house of Roderique Hortalez & Co. be not insured, but that notice be given to the Commissioners in France, that they may endeavour to obtain convoy for the protection thereof.

*Resolved*, That a copy of Governor Livingston's letter of the 27 April, respecting the horses purchased for the use of the continental army, at the request of the committee of Congress in camp, be transmitted to the quarter master general; and that he be ordered immediately to pay for such horses and settle the accounts with the persons employed to make the purchases, agreeably to the terms upon which the governor engaged.

*Resolved*, That the Committee for Foreign Affairs report such alterations in, or additions to, the instructions and commissions given to the commissioners at the courts of Berlin, Vienna, and Tuscany, as they may think expedient.

*Resolved*, That Colonel Ethan Allen be entitled to all the benefits and privileges of a lieutenant colonel in the

<sup>1</sup> This report, dated May 15, is in the *Papers of the Continental Congress*, No. 136, II, folio 289.

service of the United States during the time of his late captivity.

A number of intercepted letters were laid before Congress:

*Ordered*, That they be referred to a committee of three, and that the said committee be empowered to take such steps, and pursue such measures as they judge necessary for the interest of the United States:

Members chosen, Mr. R[ichard] H[enry] Lee, Mr. [James] Lovell, and Mr. [John] Witherspoon.

Adjourned to 9 o'Clock on Monday.

MONDAY, MAY 18, 1778

A petition from sundry inhabitants of the county of Bedford, in the State of Pennsylvania, was read:

*Ordered*, That it be referred to the Board of War.

A letter and petition from David Laird, were laid before Congress.<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

A letter, of this day, from William Turnbull, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of the 15, from William Bowley, was read:

*Ordered*, That it be referred to the Committee of Commerce.

A letter, of the 16, from the Board of War, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Charles] Carroll, Mr. J[onathan] B[ayard] Smith, and Mr. G[ouverneur] Morris.

A letter, of 26 April, from Governor Caswell, ||of North Carolina,|| was read, informing that the two houses of

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 42, IV, folio 154.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 33.

assembly of that State have unanimously acceded to the confederation.

A petition from Jacob Gerhard Deriks was read, praying to be "honoured with a colonel's commission."<sup>1</sup>

*Ordered*, To lie on the table.

A letter, of the 11, from Thomas Smith, of Bedford county, to James Smith, Esq. delegate from Pennsylvania, was laid before Congress, and read:

*Ordered*, That it be referred to the Board of War, and that they be authorized, in conjunction with General Washington, to take such measures for affording present relief to the western frontiers as can be adopted, consistent with the present state of the main army.

The committee lately sent to camp, laid before Congress a plan for regulating the army:

*Ordered*, That to morrow be assigned for taking the same into consideration.

A letter, of 26 March, from the board of war of the State of Massachusetts bay, with an extract of a letter of 30, from Mr. Gardoqui & Sons, at Bilboa, were read:<sup>2</sup>

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Charles] Carroll, and Mr. [Elbridge] Gerry.

A petition from sundry German officers, in the service of the United States of America, was read;<sup>3</sup> Whereupon,

*Resolved*, That the Rev. Mr. Henry Miller be appointed a chaplain to the Germans in the main army; and that he be allowed the pay and privileges of a brigade chaplain, without being confined to any particular brigade.

<sup>1</sup> This petition is in the *Papers of the Continental Congress*, No. 42, II, folio 235; the letter of Smith is in No. 78, XX, folio 213.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 65, I, folio 292.

<sup>3</sup> This petition, dated May 6, is in the *Papers of the Continental Congress*, No. 42, V, folio 69.

YORK TOWN, *May 18, 1778.*

The Commissioners of Claims at the Treasury Office, having liquidated and rendered to the Auditor General, the undermentioned account, he begs leave to report the same to Congress for allowance.

There is due to Major William West, his pay from the 13th July, 1777, to the 28th of April, 1778, inclusive, being 9 months and 15 days, at 50 Dollars per month, 475 Dollars.<sup>1</sup>

Adjourned to 9 o'Clock ||to Morrow.||

TUESDAY, MAY 19, 1778.

A letter, of 18th, from the executive council of Pennsylvania, enclosing a copy of a letter of the 14, from Samuel Hunter, lieutenant, of the county of Northumberland, was read:<sup>2</sup>

*Ordered,* That it be referred to the Board of War.

AT A BOARD OF WAR *May 18th, 1778*

Agreed to report to Congress

That Mons<sup>r</sup> Noirman Laneuville be appointed a Major by Brevet in the Armies of the United States, and that his Commission be dated the 30th day of October last, and he be ordered to act under  
 Postponed his Brother, Mons<sup>r</sup> Laneuville, Inspector General in the Northern Department in such Employment in the Line of his Office as he shall think proper, with the Approbation of the Commander in Chief of the Department.

The Board of War, to whom the petition from Major de Bois was referred, report as their opinion, "that the resignation of Major de Bois be accepted, agreeable to his petition, and that a sum of money, the quantum of which to be settled by the Board of Treasury, should be allowed him to bear his expences back to France:"

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 291. It is endorsed: "Read, and postponed 30th, after having been recommitted and returned in the original state. Motion for Board of War to enquire."

<sup>2</sup>These papers are in the *Papers of the Continental Congress*, No. 69, I, folio 513.

That Caleb Stark be appointed Brigade Major to Brigadier General John Stark, and his Commission be dated the 30th of October last.<sup>1</sup>

*Ordered*, That the said report, with the petition of Major de Bois, be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 10,000 dollars be paid Thomas M'Kean, Esq. to be by him forwarded to his excellency Cæsar Rodney, president of the State of Delaware, for the recruiting service; for which the State is to be charged.<sup>2</sup>

*Resolved*, That Mr. || Joseph || Trumbull, late commissary general, be informed of the disposition of Congress not to grant money to such persons as, having been officers of the United States, are now out of office, until they shall have accounted for the public money which shall have been previously advanced to them respectively.<sup>3</sup>

The Board of War, to whom the letter from General Washington, respecting Lieutenant Colonel Derik was referred, report,

"That the Board concur in opinion with General Washington, as to the inexpediency of complying with Lieutenant Colonel Derik's request, to be appointed commandant of an independent corps, and therefore that his petition be dismissed:"<sup>4</sup>

*Resolved*, That Congress agree to the said report.

The Board of War, to whom the memorial from the general assembly of Pennsylvania, relative to forts built in Westmoreland, &c. was referred, report,

<sup>1</sup> This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 51.

<sup>2</sup> This report, dated May 18, is in the *Papers of the Continental Congress*, No. 136, II, folio 297.

<sup>3</sup> This report, dated May 16, is in the *Papers of the Continental Congress*, No. 136, II, folio 299.

<sup>4</sup> This report, in the writing of Richard Peters, and dated May 18, is in the *Papers of the Continental Congress*, No. 147, II, folio 191.

“That they have been informed that General Hand directed the lieutenants of the two western counties to take other posts, at which to station the militia, than those mentioned in the memorial of the assembly; that the lieutenants only partially complied with his directions, and instead of fulfilling them, built the forts at Ligonier and Hanna’s town; that, however, as the Board are not sufficiently acquainted with the circumstances to judge whether the forts are so situated as to answer only a local, instead of a general purpose, or whether they are properly constructed, if the posts are well chosen, it is impossible to furnish Congress with a final report on the subject; that, as General Hand is re-called from the command, his successor will judge between him and the lieutenants of the counties, whom the Board presume to have had the best intentions, but think it by no means proper to encourage any thing which has the appearance of being done in opposition to the orders of the commanding continental officer, unless weighty and special reasons can be assigned:” Whereupon,

*Resolved*, That a copy of the memorial from the assembly of Pennsylvania, relative to the forts built at Ligonier and Hanna’s town, in this State, by the inhabitants of the adjacent country, be transmitted to the commanding officer at Fort Pitt, and if he shall be of opinion, that the posts are necessary for the general defence of the frontier, or to secure the communication with that fort, the plans proper, and the works sufficiently well done, so as to be durable and of military use, that he appoint proper persons to examine the accounts of the expences of building those forts, laying in provisions, and paying the persons necessarily employed at those posts; that the accounts so examined be certified, with the vouchers, to the Board of

Treasury, accompanied with the opinion on the whole, of the general officer commanding at Fort Pitt.<sup>1</sup>

The committee to whom was referred the letter from Major General Mifflin, report, "that they have had a conference with General Mifflin and the auditor general upon the subject of the said letter, and having heard General Mifflin's observations upon his peculiar situation as quarter master general, and his objections to being held strictly to account in cases where, from the nature of the business and particular circumstances attending it, he was incapable of direct agency and the necessary superintendence; that the committee delivered to him and to the said auditor general their opinion, that the great servants of the public are generally to be accountable; that if, in the course of adjusting the public accounts, deficiencies shall appear, Congress will, in every special case, determine upon the circumstances as they arise, whether the party shall, or shall not be discharged; that the committee had no doubt, but such favourable allowance would be made as justice should require; but that Congress could not, consistent with their duty to the United States, by any general resolutions, hold up the maxim that payment of money to deputies or assistants in a department should discharge the principal:"<sup>2</sup>

*Resolved*, That Congress agree to the said report.

The committee to whom was referred the report of the Board of War, respecting an allowance to officers on parole, brought in a report: Whereupon, Congress came to the following resolution:

Whereas Congress, by a resolve passed the 19 day of January last, determined, that captive officers should re-

<sup>1</sup>This report, dated May 15, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 43.

<sup>2</sup>This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, IV, folio 79.



ceive pay, as well when on parole as when in the enemy's possession, for so long time as they continue to be officers of the United States, and liable to be called into service upon being released from their captivity; and, whereas, divers officers have been, and may be made prisoners, and continue such beyond the period within which they are liable to be called into service; and as it has been found that such officers, when released on parole, are sometimes debarred from the pursuit of their former employments, or being liable always to be recalled into captivity at the pleasure of the enemy, are prevented from entering into such engagements and plans of business as their necessary support demands;

*Resolved*, That all officers in the land service of the United States, who have been, or shall be made prisoners by the enemy, shall be entitled to receive their full pay and rations while in the enemy's possession, deducting only from their rations such supplies as they may have received from the enemy or the commissary of prisoners; and that all such officers, when admitted on their parole, shall receive their full pay without rations, until they shall be exchanged or discharged from their parole, or that the general change of circumstances shall render their pay no longer necessary for their support, as Congress hereafter determine.

A petition from J. Connolly and others, prisoners, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War, who are directed to enquire into the facts therein set forth, and report thereon to Congress.

Congress took into consideration a report of the Board of Treasury of the 12th: Whereupon,

<sup>1</sup> This petition, dated May 17, is in the *Papers of the Continental Congress*, 42, VI, folio 194.

*Resolved*, That bills of exchange of the following denominations be forthwith struck, under the direction of the Board of Treasury, for the payment of interest to such holders of loan office certificates of the United States as may be entitled to receive it, in such bills:

3,000 sets of 12 dollars		1,000 do.	60 do. do.	300,000
each, at 5 livres tour-		1,000 do.	120 do. do.	600,000
nois per dollar,	180,000	800 do.	300 do. do.	1,200,000
3,000 do. 18 do. do.	270,000	400 do.	600 do. do.	1,200,000
3,000 do. 24 do. do.	360,000	200 do.	1,200 do. do.	1,200,000
3,000 do. 30 do. do.	450,000			
3,000 do. 36 do. do.	540,000	18,400		6,300,000

That the bills be drawn on the commissioners of the United States in Paris, signed by ~~Treasurer~~ [such person or persons as shall hereafter be appointed by Congress,] and countersigned and numbered by the commissioners of the continental loan office issuing the said bills respectively:

That each set contain four bills, of the following form:

"Exchange for        Dollars, at five Livres Tournois per dollar.

No.        United States of North America,        day  
of        17 .

At thirty days sight of this        Bill,        and        not  
paid, pay to        or order,        Dollars in        Livres  
Tournois, for interest due on money borrowed by the  
United States.

To  
of the United States of North America.  
Countersigned  
Commissioner of the continental Loan office in the State of        ."

*Resolved*, That the Board of Treasury be authorized to direct the treasurer, from time to time, to send to the

several commissioners of the loan offices as many of the said bills and of such denominations as the Board shall judge necessary.<sup>1</sup>

A letter, of the 18, from the Board of War, and one, of the 19, from the Board of Treasury, were read;<sup>2</sup>

*Ordered*, To lie on the table.

Congress took into consideration the report of the committee from camp, relative to the new regulation of the army; and an amendment was moved as follows:

"1. That each regiment consist of two batallions:

"2. That each batallion consist of four companies or centuries, or grand divisions:

"3. That each company, century, or grand division, consist of one captain, one captain lieutenant, two lieutenants, one ensign or standard bearer, eight, or at least six, serjeants, and the same number of corporals, 128 privates, which is 64 files two deep; two drummers or horn sounders. Each company, century, or grand division [shall] have a colour or standard:

"4. That to each batallion there be one lieutenant colonel, major, adjutant, serjeant major, drum major or horn sounder major:

"5. That the regimentary officers be one colonel, one regimental colour bearer, or ensign major, with an orderly horseman to attend the colonel; the ensign major to have the rank of lieutenant.

"Thus every regiment to consist of 1 colonel, 2 lieutenant colonels, 2 majors, 8 captains, 8 captain lieutenants, 16 lieutenants, 1 ensign major, 8 ensigns, making 46 commissioned officers, 64 or at least 48 serjeants, the same number of corporals, 2 serjeants major, 2 drums major, 16 drummers or horn sounders, and 1,024 privates."

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 283.

<sup>2</sup> The letter of the Board of War is in the *Papers of the Continental Congress*, No. 147, II, folio 47; that of the Treasury is in No. 78, X, folio 95.

||On the question to agree to the said amendment, the||  
yeas and nays being required, by Mr. [William] Duer:

<i>Massachusetts Bay,</i>			<i>Delaware,</i>		
Mr. Gerry,	ay	} no	Mr. M'Kean,	no	} no
Lovell,	no				
Dana,	no				
<i>Rhode Island,</i>			<i>Maryland,</i>		
Mr. Ellery,	no	} no	Mr. Carroll,	no	} no
<i>Connecticut,</i>			<i>Virginia,</i>		
Mr. Sherman,	no	} no	Mr. R. H. Lee,	ay	} *
Huntington,	no				
Wolcott,	no				
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Duer,	ay	} div.	Mr. Laurens,	no	} no
G. Morris,	no				
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Scudder,	no	} no	Mr. Langworthy	ay	} ay
<i>Pennsylvania,</i>					
Mr. J. B. Smith,	no	} no			
James Smith,	ay				
Clingan,	no				

So it passed in the negative.

Adjourned to 9 o'Clock to Morrow.

### WEDNESDAY, MAY 20, 1778

A letter, of this date, from Captain Harmon Courter, who brought a duplicate of despatches from France, ||was read:||

*Ordered,* That the same, together with his account, be referred to the Board of Treasury.

A letter of this date, from Colonel F. Johnston, was read:

*Ordered,* That it be referred to the committee lately at camp.

A letter, of 13, and one, of the 16, from Brigadier General Wayne, were read:

*Ordered*, That the same be referred to the committee aforesaid.

A letter, of 18, from General Washington, was read:

*Ordered*, That it be referred to the foregoing committee.

A letter, of 16th, from Baron Steuben, was read.

A letter, of the 3, from General Sullivan, with sundry papers enclosed, was read:<sup>1</sup>

*Ordered*, That so much of General Sullivan's letter as relates to Brigadier Stark, be referred to General Washington, and that he be informed that Brigadier Stark is ordered to the northern department, from which Congress do not think proper he should be removed; and that General Washington be directed, if he thinks proper, to send some other brigadier to join General Sullivan.

*Ordered*, That the plans enclosed in General Sullivan's letter, be referred to the Board of War.

A letter, of 13, from Governor G. Clinton, of New York, with sundry papers enclosed, ||was read:||<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A petition from Barnard Baxter, was read:

*Ordered*, That it be referred to the Board of War, who are directed to report generally thereon.

The Committee of Commerce, to whom was referred the letter of the commissioners of the continental loan office in the State of South Carolina, brought in a report, which was read:

<sup>1</sup>The letter of Johnston is in the *Papers of the Continental Congress*, No. 78, XIII, folio 79; those of Wayne, in No. 161, folios 211 and 215; that of Washington, in No. 152, VI, folio 39; that of Steuben, in No. 164, folio 134; and that of Sullivan, in No. 160, folio 111.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 67, II, folio 114.

*Ordered*, That the same, together with the said letter, be referred to the Board of Treasury.

Congress resumed the consideration of the report of the committee lately from camp, relative to the arrangement of the army, and some progress being made therein,

*Resolved*, That the farther consideration thereof be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, MAY 21, 1778

Mr. S[amuel] Adams, a delegate from Massachusetts bay, attended and took his seat in Congress.

A letter of the 27, and one of the 28 April, from the council of Massachusetts bay, were read:<sup>1</sup>

*Ordered*, That the latter be referred to a committee of four:

The members chosen, Mr. [William] Ellery, Mr. [Francis] Dana, Mr. [Samuel] Huntington, and Mr. [John] Witherspoon.

A letter, of 7 May, from Messrs. Otis & Andrews, at Boston, and one, of the 20, from James Mease, at Lancaster, were read:<sup>2</sup>

*Ordered*, That so much of the same as relates to money, be referred to the Board of Treasury; and so much as relates to putting a stop to any further purchases of cloathing by agents or commissioners appointed by the several states, be referred to the Board of War.

A letter, of the 22 April, from John Lucas, was read:

*Ordered*, That it be referred to the Board of War.

<sup>1</sup> These letters are in the *Papers of the Continental Congress*, No. 65, I, folios 304 and 308.

<sup>2</sup> The letter of Otis & Andrews is in the *Papers of the Continental Congress*, No. 78, XVII, folio 289; that of Mease is in the same series, XV, folio 343.

A letter, of 19, from the general assembly of Pennsylvania, with a petition from sundry inhabitants on the western frontiers, was read:<sup>1</sup>

*Ordered*, That the same be referred to the Board of War.

A letter, of 25 April, from the council of Massachusetts bay, with an account of the expences of that State for prisoners, was read:

*Ordered*, That the same be referred to the Board of Treasury.

The committee to whom was referred the memorial from divers persons, late inhabitants of Nova Scotia, report as their opinion,

“That the wresting of Nova Scotia from the British power and uniting the same to these States is for many weighty reasons a very desirable object; but that the propriety of making this attempt at the present crisis seems doubtful; and upon the whole, it appears most wise to wait a while, until the event of a war taking place between France and Great Britain, and the consequences that [it] may have upon the British force on this continent, shall render an attempt upon Nova Scotia more likely to succeed. If however any concurrence of circumstances should sooner render success in this undertaking probable, it is the opinion of the committee, that the honourable council of Massachusetts bay should be empowered at continental expence to furnish the inhabitants of Nova Scotia with a force, not exceeding two regiments, to assist in accomplishing the purpose proposed in the said memorial.”

*Resolved*, That Congress agree to the said report.

The committee to whom was referred the letter from Colonel F. Johnston, brought in a report; Whereupon,

<sup>1</sup> The letter of Lucas is in the *Papers of the Continental Congress*, No. 78, XIV, folio 221; that of the Pennsylvania assembly is in No. 69, I, folio 519; the petition, dated May 14, is on folio 523.

*Resolved*, That the necessary contingent charges of executing the office of commissary general of prisoners be allowed, over and above the present pay.

Whereas Colonel Johnston was taken from the line to execute the office of commissary general of prisoners, upon an information given to Congress that his health would not permit him to continue in the army, and undergo the fatigues of it; and as there is no necessary relation between his office and the line,

*Resolved*, That Colonel Johnston be permitted to hold his rank, but no command in the line, nor be entitled to receive the seven years' half pay lately granted to the military commissioned officers.

The committee to whom was referred the letters from Brigadier General Wayne, brought in a report; Whereupon,

*Resolved*, That the Rev. Dr. Robert Blackwell be appointed brigade chaplain to the first Pennsylvania brigade, commanded by General Wayne.

A letter, of 14 April, from Thomas White, of the State of Delaware, and an extract of a letter, of May 8, from Mr. President Rodney, of the said State, both directed to Mr. [Thomas] M'Kean, were laid before Congress and read:

*Ordered*, That the same be referred to the committee appointed to provide for the safety of, and prevent insurrections in, the peninsula between Delaware and Chesapeake Bays.

Mr. Josiah Bartlett, one of the delegates from New Hampshire, attended, and produced the credentials of his appointment, which were read as follows:

STATE OF NEW HAMPSHIRE,

IN THE HOUSE OF REPRESENTATIVES, *March 14th, 1778.*

*Voted*, That the Hon. Josiah Bartlett and John Wentworth Jun. Esqrs. be, and hereby are, appointed to serve as Delegates to repre-



sent this State in the Continental Congress, for and during the term of one year from the date hereof, unless sooner recalled: and that they and each of them, in the absence of the other, have full and ample power, in behalf of this State, to consent and agree to all measures which Congress shall deem necessary for the Public good.

Sent up for concurrence.

JOHN DUDLEY, *Speaker pro temp.*

In Council, the same day, read and concurred.

E. THOMPSON, *Secretary.*

Copy attested,

MESHECH WEARE, *President.*<sup>1</sup>

*Resolved*, That Major General Mifflin have leave to join the army under the command of General Washington.

The committee to whom were referred the letter of the 11th, from General Washington, enclosing a copy of a letter of the 10th from General Howe, respecting the exchange of prisoners, report,

“That the propositions of General Sir William Howe, for an exchange of prisoners, in his letter of the 10th May, appear so ambiguously expressed and so liable to misconception, that, in their opinion, it is expedient that Congress should, on their part, make proposals for an exchange on principles of equality, and expressed in clear and explicit terms:” Whereupon,

*Resolved*, That General Washington be desired to inform General Sir William Howe, that Congress, ever anxious to alleviate the calamities of war, are willing to make an exchange of prisoners on the following principles, viz:

That an exchange be made of all officers in the possession of either party, whether on parole or otherwise, as far as rank and number will apply:

That, as General Sir William Howe has the power of exchanging the officers made prisoners under the convention of Saratoga, Congress cannot think of agreeing

<sup>1</sup>The original is in the *Papers of the Continental Congress*, New Hampshire, *Credentials of Delegates*.

to an equivalent in privates for officers, but are willing to extend this exchange to the officers of General Burgoyne's army:

That an exchange, as far as numbers will apply, be made of all soldiers in the actual possession of either party; and also of all who, having been released on parole,<sup>1</sup> are, in the opinion of General Washington, proper objects of exchange:

That the officers and soldiers so to be exchanged be mutually delivered at such places in the states of Rhode Island, New York, and Pennsylvania, and at such periods of time as the said generals may determine on:

That in case the proposed exchange should unhappily not take place, General Washington be directed to inform General Sir William Howe, that Congress expect that he will, from a regard to the prisoners in the power of these states, take effectual measures that the American prisoners may not suffer any distresses from the approaching hot season, which it is in his power to prevent,<sup>2</sup> as the present possession of Long Island and Rhode Island, afford him an opportunity of extending humanity towards prisoners, without a breach of duty to the power under which he acts."<sup>3</sup>

TREASURY OFFICE, YORK TOWN, *May 21, 1778.*

The Committee on the Treasury beg leave to report the following resolutions:

*Resolved*, That a Warrant issue on the Treasurer in favor of Mr. Joseph Nourse, Pay Master to the Board of War and Ordnance, for

<sup>1</sup>The original report here added: "and are now living, and have not from the Distresses of Imprisonment been rendered incapable of future Military Service." These words were struck out.

<sup>2</sup>The original report added: "consistent with the Security of their Persons, and that they are confirmed in their Opinion [Expectation]" and some words that are illegible.

<sup>3</sup>This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, VI, folio 219.

five hundred thousand Dollars, to be by him transmitted to William Palfrey, Esquire, Pay Master General, for the use of his department, who is to be accountable.

That a Warrant issue on the Commissioners of the Loan Office of the State of South Carolina, in favor of the Commercial Committee for fifty two thousand Dollars, to enable the said Commissioners to [dis]charge the United States for so much advanced to Abraham Livingston, Esq. Continental Agent in that State, agreeable to a representation of the twentieth of May instant from the Commercial Committee, who are to be accountable.

That [on Application of the Commercial Committee] a Warrant issue in their favor on the Treasurer for sixteen thousand Dollars; And another Warrant on Thomas Smith, Esq. Commissioner of the Loan Office of the State of Pennsylvania, for three thousand four hundred eighty six Dollars and 31/90ths, to enable the said Committee to pay Jacob Winey the valuation of his Ship *Lord Camden*, Chartered and Insured by the Secret Committee, and Captured by the Enemy: Also the Balance of said Winey's Account for Freight of Goods exported in his Ship *King of Prussia* to Ferrol, in April, 1776, [for which Sums, amounting to 19,486 31/90 Dollars, the said Commercial Committee are to be accountable.]<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

FRIDAY, MAY 22, 1778

The Board of War brought in a report; Whereupon,

*Resolved*, That it be recommended to the legislatures of the respective states, to enact laws for exempting from militia duty, all persons who have deserted or shall hereafter desert from the British army or navy during the present war.

That it be further recommended to the legislatures of the respective states, to disqualify by law, all prisoners and deserters from acting as substitutes in the militia during the present war, to render all such contracts void,

<sup>1</sup> This report is noted as having passed, but it was omitted in the manuscript journals. The words in brackets were inserted by Elbridge Gerry. The report is in the *Papers of the Continental Congress*, No. 136, II, folio 301.

and to authorize any prisoner or deserter, who may be engaged as a substitute, to appropriate to his own use all monies by him received on such agreement.

On the recommendation of Brigadier General Muhlenburg,

*Resolved*, That the Rev. Mr. Alexander Balmain be, and he is hereby appointed chaplain to the brigade commanded by Brigadier General Muhlenburg.

The committee to whom were referred the letters of the 24 and 27 April, from Major General Heath, enclosing a letter from John Morrison, a commissary in the British service, brought in a report; Whereupon,

*Resolved*, That Congress approve of Major General Heath's conduct relative to the proposals made by Major General Pigot, for supplying with provisions the troops who surrendered prisoners under the convention of Saratoga;

That the president be directed to inform Major General Heath, that Congress expect that all assistance afforded to the enemy, in unloading, storing or transporting provision for the support of the convention prisoners, be paid for in solid coin, agreeably to the spirit of their resolution of the 19th December last.

Congress took into consideration the report of the committee on the rules for the better conducting the business of Congress; and some progress being made therein,

*Ordered*, That the farther consideration thereof be postponed.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on John Lawrence, Esq<sup>r</sup> commissioner of the loan office in the State of Connecticut, in favour of James Stevenson, Esq<sup>r</sup> one of the commissioners of accounts for the middle department,

for one thousand and eighty one dollars, it being the balance of his pay, from 26 July, 1776, to the 4th instant.

*Ordered*, That so much of the report as relates to Messrs. Otis and Andrews, be recommitted.<sup>1</sup>

*Resolved*, That five million of dollars be emitted under the direction of the Board of Treasury, and upon the faith of the United States;

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the eleventh day of April last, and be numbered from the last number of each respective denomination progressively, and consist of the following denominations, viz.

41,667 bills of 40 dollars,	1,666,680	41,667 bills of 6 dollars,	250,002
41,667 do. of 30 do.	1,250,010	41,666 do. of 5 do.	208,330
41,666 do. of 20 do.	833,320	41,667 do. of 4 do.	166,668
41,666 do. of 8 do.	333,328		
41,666 do. of 7 do.	291,662		
			<hr/> 5,000,000

That all the powers and duties of Michael Hillegas, Esq. and of the inspectors of the press, signers and printers of the emission on the 20th day of May, 1777, shall extend to the said five millions of dollars now to be emitted, subject, however, to such directions and instructions as the Board of Treasury may judge expedient.

*Ordered*, That two hundred and forty thousand dollars be advanced to William Buchanan, late commissary general of purchases, for the use of the middle district; for which he is to be accountable.

A letter, of the 2d, from Governor Caswell, of North Carolina, with sundry papers enclosed, was read:<sup>2</sup>

*Ordered*, That the same be referred to the committee on the letter from Captain Cottineau.

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 306. The paragraph on Otis and Andrews is printed under May 25.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 72, folio 47.

## SATURDAY, MAY 23, 1778

A letter, of 22, from Colonel F. Johnston, was read, informing, that "as it never was his wish to give up his rank in the line, he therefore begs leave to decline the acceptance of his late appointment of commissary general of prisoners;"<sup>1</sup> Whereupon,

*Resolved*, That he have leave to decline the said appointment.

A letter, of the 7, from John James Doerner, Jun. at Edenton, North Carolina, was read:

*Ordered*, That it be referred to the Board of Treasury.

The Board of War, to whom was referred the letter of the 17th, from John Connolly and others, prisoners, brought in a report, which was read;

## AT A BOARD OF WAR, 22d May, 1778

The board taking into consideration the letter from Doctor John Conolly, and the other prisoners of war, most of whom have been lately removed from Carlisle goal into the prison of the county of York, beg leave to report to Congress,

That, forbearing to remark upon the indecency of the terms in which the said letter is conceived, and which is calculated for other purposes than merely to relate their pretended grievances, The Board will lay before Congress the facts which they have collected from Major Wilson, commanding at Carlisle during the residence of Major Stockton and other officers of his party in the goal of that place; from M<sup>r</sup>. T. Peters, Deputy Commissary of prisoners, who has had the charge during the winter of the prisoners at Carlisle and York; from Doctor Henry, employed to attend the British prisoners when sick; and from Col<sup>o</sup>. Pickering one of the Board, who visited the goal of this place. From the concurrent testimony of all which Gentlemen, the account given by the prisoners in their said letter appears to be founded in falsehood Misrepresentations.

Major Wilson, who was frequently called in by the Officers themselves to examine into their situation at Carlisle, agrees with the Commissary of prisoners, That as often as either of these Gentlemen

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 88.

visited the goal at Carlisle, the officers, being six in number, had the privilege of the whole goal, except such part as the goaler occupied, and one room entirely to themselves, and, altho' the criminals were under the same roof, yet they were so far from being crowded, that there were not in the said goal more than six or seven prisoners at a time (and the most of these Tories) on an average, during the confinement of the officers at that place. That the goal was as clean as such places can be kept, and if it had not been so, the fault would have lain with the officers who were indulged with two servants to attend them for the purposes of cleansing their apartment and waiting on their persons. These officers too were confined by order of the Commissary General of prisoners as a retaliation for those of our army, suffering every degree of insult and cruelty which British haughtiness and inhumanity could inflict, in the provost and dungeons of New York and Philadelphia. This being the reason of their confinement, and the foregoing the situation of it, the Board conceive their imprisonment was of the mildest nature, when compared with the rigours of that of our own officers. But the goal at Carlisle not being secure, the deputy Commissary of prisoners removed them to the prison of this place, wherein was also confined Doctor John Conolly, for the same causes which induced and continued their present imprisonment, and for other reasons of policy and prudence. Doctor Conolly having also sundry times behaved amiss while on parole.

In the goal of York these prisoners (seven only in number) have two airy rooms, the one fifteen by twenty feet, and the other something less, besides the privilege of the whole goal and yard, which is sixty yards long, and eighteen wide—frequently swept, and kept as clean as possible, and by no means “polluted with filth, &c.,” there being a privy at the extreme end of the yard. These Gentlemen too have three servants to attend them. Their complaints then, of being confined in a loathsome crowded prison, infected with a contagious fever, and polluted with noisome smells thro every part are not warranted by facts. The goal is made a place of temporary confinement for passing prisoners, but is never crowded, and there are now only nine privates therein, and three of them are the officers' servants, altho' it is capable of holding conveniently one hundred and sixty prisoners. There was some time ago an apprehension in a part of the goal distant from the officers' apartments, that a contagious fever had broke out among the soldiers, but the diseased were immediately removed to hospitals, and a Surgeon and nurses provided for them, and every

assistance afforded them the nature of our affairs would admit. The goal is now clean and healthy, save that there are five soldiers who have fevers from want of exercise and other causes common to places of confinement, but the disorders are not contagious or dangerous.

M<sup>r</sup> Conolly, altho' indulged with every thing a prisoner could reasonably wish, has repeatedly represented his own, and the situation of the goal, in similar terms with the letter now under consideration, and the former, and this Board, have often had consequent examinations, in all of which they found the complaints groundless. Once particularly, when M<sup>r</sup> Conolly represented himself as at the point of death from the severity of his confinement, the board directed Doctor Shippen to visit him, who reported that his situation was directly opposite to his representation, his indisposition slight and merely of an Hippochandriac Nature.

The Board have been so particular for several reasons, one whereof is, to supercede the necessity of future enquiries, and are upon the whole of opinion, that these Gentlemen should be more strictly confined, as from the indulgence now given them there is a probability of some of them at least making their escape.

By order of the Board

RICHARD PETERS.<sup>1</sup>

||Whereupon,

Congress passed the following:||

Whereas, it appears probable that attempts are making to misrepresent the conduct of these United States towards the prisoners in their possession, in some degree to wipe off or counterbalance the just reproach that has fallen upon our enemies for their barbarity:

*Resolved*, That the letter from John Connolly and others, dated Yorktown gaol, May 17, 1778, together with the report of the Board of War upon it, be published.

A motion being made, that the resolution of the 19 August, 1777, relative to Lieutenant Colonel Carrington be expunged from the journals, an amendment was moved in lieu thereof, as follows:

Whereas Congress are fully satisfied that Lieutenant Colonel Carrington, from a sense of the impropriety of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, II, folio 57.



his conduct to his excellency Patrick Henry Esqr, Governor of Virginia, had, before he knew of any resolution having been past by Congress, relative to him, made a suitable and satisfactory apology to Governor Henry,

*Resolved*, That Lieutenant Colonel Carrington stands in the opinion of Congress in as favourable a point of view as if the resolution of Congress, of the 19th August, 1777, had not been entered into—which was agreed to.

To this an addition was moved, "And that the same be not published in the printed Journals". A motion was made to amend the addition so as to read "and that the present and former resolution of the 19th August, 1777, be not published in the printed Journals."

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	ay	ay	Mr. Jas. Smith,	ay	ay
<i>Massachusetts bay,</i>			<i>Delaware,</i>		
Mr. Adams,	no	} no	Mr. McKean,	no	no
Gerry,	no		<i>Maryland,</i>		
Lovell,	no		Mr. Carroll,	ay	} ay
Dana,	no		Henry,	ay	
<i>Rhode Island,</i>			Plater,	no	
Mr. Ellery,	ay	ay	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. B. H. Lee,	ay	} ay
Mr. Sherman,	no	} ay	F. L. Lee,	ay	
Huntington,	ay		Banister,	no	
Wolcott,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Laurens,	no	} div.
Mr. Duer,	ay	*	Drayton,	no	
<i>New Jersey,</i>			Hutson,	ay	
Mr. Witherspoon,	ay	} div.	Mathews,	ay	
Scudder,	no		<i>Georgia,</i>		
			Mr. Langworthy,	ay	ay

So it passed in the affirmative.

It was then moved to divide the amendment, and the question being put on the first part, and the yeas and nays taken,

Resolved in the affirmative, every member answering ay.

The question being put on the latter part, viz, "and that the present and former resolution of the 19 August, 1777, be not published in the printed Journal."

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	ay	ay	Mr. Jas. Smith,	ay	ay
<i>Massachusetts bay,</i>			<i>Delaware,</i>		
Mr. Adams,	no	no	Mr. McKean,	no	no
Gerry,	no		<i>Maryland,</i>		
Lovell,	no		Mr. Carroll,	ay	ay
Dana,	no		Henry,	ay	
<i>Rhode Island,</i>			Plater,	no	
Mr. Ellery,	ay	ay	<i>Virginia,</i>		
<i>Connecticut,</i>			Mr. R. H. Lee,	ay	ay
Mr. Sherman,	no	ay	F. L. Lee,	ay	
Huntington,	ay		Banister,	no	
Wolcott,	ay		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Laurens,	no	div.
Mr. Duer,	ay	*	Drayton,	no	
<i>New Jersey,</i>			Hutson,	ay	
Mr. Witherspoon,	ay	div.	Mathews,	ay	
Scudder,	no		<i>Georgia,</i>		
			Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

The Committee on the Treasury brought in a report: Whereupon,

*Ordered,* That 50,000 dollars be advanced to the Marine Committee, to be by them transmitted to the navy board at Boston, for the use of the navy in the eastern department; the said Marine Committee to be accountable.<sup>1</sup>

*Ordered,* That Mr. [Nathaniel] Scudder have leave of absence.

Adjourned to 9 o'Clock on Monday.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 811.

MONDAY, MAY 25, 1778

A letter of the 12 from Colonel Johnston, recommending the Rev. Dr. David Jones chaplain to the brigade ||of Pennsylvania troops|| commanded by the said Colonel Johnston.<sup>1</sup> Whereupon, the ballots being taken,

*Resolved*, That he be appointed.

A letter, of the 6, from Governor Caswell was read:

*Ordered*, That the same, together with a resolve of the house of assembly of North Carolina, empowering the governor of that State to draw for 500,000 dollars, and an act for raising men to complete the continental battallions belonging to the said State, enclosed in the governor's letter of the 2d, be referred to the committee lately sent to camp.

A letter, of 20 March, from Governor Houston, of Georgia, with sundry resolves of the assembly of that State enclosed, was read:

*Ordered*, That the same be referred to the foregoing committee.

A letter, of 4, from Major General Heath, with an invoice of specie sent forward, was read:

*Ordered*, That the same be referred to the Board of Treasury.

A letter, of 15, from W. Aylett, Esq<sup>t</sup>, deputy commissary general, with sundry papers enclosed, was read:

*Ordered*, That they be referred to the Committee of Commerce.

A letter of 15, from Governor Henry, was read.<sup>2</sup>

<sup>1</sup> The letter of Johnston is in the *Papers of the Continental Congress*, No. 78, XIII, folio 75.

<sup>2</sup> The letter of Caswell is in the *Papers of the Continental Congress*, No. 72, folio 51; that of Houston, in No. 73, folio 181; and that of Henry, in No. 71, I, folio 139.

The Committee on the Treasury, to whom was recommended the report in favour of Messrs. Otis & Andrews, brought in a report, which was read; Whereupon,

*Ordered*, That 150,000 dollars be advanced to James Mease; and that a warrant for 500,000 dollars be drawn in his favour on the loan office of the State of Massachusetts bay, both which sums are to be by him immediately transmitted to his agents, Messrs. Otis & Andrews, of Boston, for the use of the cloathier general's department, who is to be accountable: and,

That Mr. Joseph Nourse, pay master of the Board of War and Ordnance, receive the money from the treasurer and transmit it, with the warrant on the loan office, to Mr. Mease, with a copy of this order.

A motion being made for putting a stop to the farther purchase of cloathing,

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [John] Witherspoon, Mr. [Roger] Sherman, and Mr. F[rancis] L[ightfoot] Lee.

A letter, of this day, from Lieutenant Colonel Carrington, of Colonel Harrison's regiment of artillery, was read, enclosing a list of officers of said regiment:<sup>1</sup>

*Ordered*, That the same be referred to the Board of War.

A motion being made for obtaining and filing at the Board of War copies of military commissions,

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [John] Banister, Mr. [Gouverneur] Morris, and Mr. [Francis] Dana.

*Resolved*, That the auditor, together with Mr. Milligan, one of the commissioners of claims, be authorized and directed to examine and pass upon the accounts of Dr.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 163.

Isaac Forster, deputy director general of the eastern department.

The Committee on the Treasury brought in a report, which was read; Whereupon,

*Resolved*, That General Heath be directed to pay, in continental currency, to Brigadier Glover, the sum that shall appear to be due to him on account, for purchasing provisions and other articles for the prisoners of the convention of Saratoga, whilst on their march from that place to Boston, and for the guards attending the said prisoners. allowing him Interest on such Sums as he shall have advanced for the Public; and that General Glover be informed, that it is the opinion of Congress that it is by no means just or reasonable that the Sums so advanced by him in continental currency, should be repaid by the Public in Specie.

*Resolved*, That the warrant drawn by the President of Congress the 2 day of February last, on Joseph Clarke, Esq. commissioner of the loan office in the State of Rhode Island and Providence Plantations, in favour of Ebenezer Hancock, Esq. deputy pay master general for the eastern district, and by him returned, be cancelled, and the entries thereof in the treasury books reversed.<sup>1</sup>

*Resolved*, That a committee of three be appointed to report a plan for filling up the continental battallions by recruits, to be inlisted to serve during the war:

The members chosen, Mr. [William] Duer, Mr. [William Henry] Drayton, and Mr. G[ouverneur] Morris.

A letter, of this day, from E. Blaine, Esq. D. C. G., was read:<sup>2</sup>

*Ordered*, That it be referred to the committee lately at camp.

<sup>1</sup> This report, dated May 23, is in the *Papers of the Continental Congress*, No. 136, II, folio 307.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 165, folio 299.

A motion being made for the payment of the New Jersey militia,

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [John] Witherspoon, and Mr. [William Henry] Drayton.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, MAY 26, 1778

*Resolved*, That the quarter master general be directed to furnish Baron Steuben with two good horses for his use.

A petition from Moses Black, was read, praying, "in behalf of William Woolsey, and the owners of the private armed schooner *Harlequin*, that an action commenced at the inferior court of common pleas in the county of Providence, in the State of Rhode Island, &c. touching the capture of a certain prize sloop, may be referred to the court of appeals, for their decision thereon:"

*Ordered*, That it be dismissed.

The Board of War, to whom the application from Baron Bose was referred, having made report, the same was read; Whereupon,

*Resolved*, That the sum of five hundred dollars be paid to the Baron Bose, as a compensation for his sufferings in cause of the United States.<sup>1</sup>

The committee to whom were referred the letters from Mr. President Lowndes, and General Howe, and Brigadier Moultrie, brought in a report:

*Ordered*, To lie on the table.

<sup>1</sup> This report, dated May 22, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 55.

Mr. [Jonathan] Elmer, a delegate from New Jersey, and Mr. [Daniel] Roberdeau, a delegate from Pennsylvania, attended and took their seats.

Congress resumed the consideration of the rules for the better conducting business, when the following were agreed to:

1. As soon as nine states are represented in the house, the Congress may proceed to business.

2. In determining questions in Congress, each State shall have one vote.

3. ~~Every member, before his vote shall be receiv~~ No member shall read any printed paper in the house during the sitting thereof, without leave of the Congress.

4. No member shall speak to another or otherwise interrupt the business of the house while the journals or public papers are reading for the information of Congress, or when any member is speaking in any debate.

5. Every member, when he speaks, shall arise from his seat and address himself to the chair, and when he has finished, shall sit down again.

6. No member shall speak more than twice in any one debate on the same day, without leave of the house.

7. When two members rise together, the President shall name the person to speak.

8. No motion shall be debated until the same be seconded.

9. When a motion shall be made and seconded, it shall be reduced to writing, if desired by the President or any member, delivered in at the table and read by the President, before the same shall be allowed to be debated.

10. While a question is before the house, no motion shall be received, unless for an amendment, for the previous question, to postpone the consideration of the main question, or to commit it.

11. If a question in debate contains several points, any member may have the same divided.

12. When a question is about to be put, it shall be in the power of any one of the states to postpone the determination thereof until the next day, after which, it shall not be again postponed, but by order of the house.

13. The previous question (that is, that the main question be not now put) being moved, the question from the chair shall be, that those who are for the previous question say ay, and those against it, no; and if there be a majority of ays, then the main question shall not be then put, but otherwise it shall.

14. Each member present shall declare openly and without debate his assent or dissent to a question by ay or no, when required by motion of any one member, whose name shall be entered as having made such motion previous to the President's putting the question; the name and vote in such cases shall be entered upon the journal, and the majority of votes of each State shall be the vote of that State.

15. No ballot shall be counted for the appointment of any person to an office of trust or profit who has not been nominated to the house on a day previous to the balloting being entered into, except by consent of all the states present.

16. Every morning the minutes of the preceding day shall be read, before Congress enter upon new business.

17. Every morning, after the reading of the public letters and giving orders concerning them, the reports of the Board of Treasury and of the Board of War, if any, shall be immediately taken into consideration.

18. No member shall leave Congress without permission of Congress or of his constituents.



A memorial from the field officers "now prisoners on parole on Long Island, in behalf of themselves and at the particular joint request of their brethren in the like situation," was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three;

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. S[amuel] Adams, and Mr. [William] Duer.

A letter, of the 9th, and one of the 11th, from General Schuyler, the latter containing Indian intelligence from Mr. Kirkland, were read:<sup>2</sup>

*Ordered*, That the letter of the 11, with the paper enclosed, be referred to the Board of War.

A petition from John Shearman was read:<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of the 18, from Thomas Conway, was read:

*Ordered*, To lie on the table.

Congress resumed the consideration of the report of the committee on the arrangement of the army; and after some time spent,

*Resolved*, That the further consideration thereof be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, MAY 27, 1778

A letter, of the 14, from Peter Boyer, was read, informing, that the situation of his family and private affairs obliges him to decline accepting the trust of auditor of accounts in the northern district, to which Congress has been pleased to appoint him.

<sup>1</sup> This memorial is in the *Papers of the Continental Congress*, No. 41, VII, folio 181.

<sup>2</sup> The letters of Schuyler are in the *Papers of the Continental Congress*, No. 158, III, folios 310 and 322.

<sup>3</sup> This petition, dated May 18, is in the *Papers of the Continental Congress*, No. 42, VII, folio 68; the letter of Conway is in No. 159, folio 477.

A letter, of the 15, from William Greene, Governor of Rhode Island, was read, informing Congress of his being elected to that office.

A letter, of 20, from Governor Livingston, and one, of 24, from General Washington, were read, the latter enclosing a memorial from the field officers of the North Carolina batallions, respecting Captain [John] Vance:<sup>1</sup>

*Ordered*, That the letter from General Washington with the papers enclosed, be referred to a committee of three;

The members chosen, Mr. [William Henry] Drayton, Mr. [Thomas] M'Kean, and Mr. [Samuel] Huntington.

*Resolved*, That Mr. [Josiah] Bartlett, for New Hampshire, Mr. S[amuel] Adams, for Massachusetts Bay, in the room of Mr. [Francis] Dana, Mr. G[ouverneur] Morris, for New York, in the room of Mr. [Philip] Livingston, Mr. [William Henry] Drayton, for South Carolina, in the room of Mr. [Henry] Laurens, be appointed members of the Marine Committee.

The Committee on Indian Affairs, to whom was referred an extract of a letter of 10 April, from Colonel Morgan, brought in a report, which was read:

The Committee to whom was referred the Letter from Colonel Morgan, April 10th, 1778, beg leave to report:

That the President under his Seal give the most explicit assurance to Captain White Eyes, Chief of the Delaware Nation, that Congress entertain a high Sence of his great Freindship for, and attachement to these United States. And that also a silver Medal be presented in the name of Congress to Capt. White Eyes, to perpetuate the memory of that great esteem which Congress have for his Merit.<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

<sup>1</sup>The letter of Boyer is in the *Papers of the Continental Congress*, No. 78, II, folio 485; that of Greene, in No. 64, folio 402; and that of Livingston, in No. 68, folio 367; the draft of the Washington letter is in the *Washington Papers*, A, III, folio 409.

<sup>2</sup>This report, in the waiting of Richard Law, is in the *Papers of the Continental Congress*, No. 166, folio 383.

The Committee on the Treasury brought in a report; Whereupon,

*Resolved*, That the Board of Treasury be authorized to issue their Warrant to any proper Officer of the United States for impressing an House suitable for an Office for the themselves and the Commissioners of Claims, whenever it shall happen that a proper one can not be otherwise procured.

*Ordered*, That 700 dollars be advanced to John Henry, Esq<sup>r</sup> delegate from the State of Maryland, on his application; the said State to be accountable:<sup>1</sup>

*Ordered*, That 200,000 dollars be paid to Mr. Joseph Nourse, pay master to the Board of War and Ordnance, to be by him transmitted to William Palfrey, Esq. pay master general, for the use of his department; who is to be accountable:

*Ordered*, That 24,000 dollars be paid to Mr. Joseph Nourse, pay master of the Board of War and Ordnance, on the application of the said Board; it being the remainder of the sum to be advanced agreeable to a resolution of Congress of 6 April last, and to be by him transmitted to Brigadier Pulaski, to compleat the raising and equipping his legion; the said Brigadier Pulaski to be accountable.<sup>2</sup>

Congress resumed the consideration of the report of the committee on the arrangement of the army, which was agreed to as follows:

### *Establishment of the American Army*

#### I. INFANTRY

*Resolved*, That each battallion of infantry shall consist of nine companies, one of which shall be of light infantry; the light infantry to be kept complete by drafts from the

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 313.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 315.

battalion, and organized during the campaign into corps of light infantry:

That the battalion of infantry consist of

COMMISSIONED.				Pay per month.
1 Colonel and captain,	-	-	-	75 dollars.
1 Lieutenant colonel and captain	-	-	-	60
1 Major and captain, <sup>1</sup>	-	-	-	50
6 Captains, [each,]	-	-	-	40
1 Captain lieutenant,	-	-	-	26 2/3
8 Lieutenants, [each,]	-	-	-	26 2/3
9 Ensigns, [each,]	-	-	-	20
Pay master,	} to be taken from the line. <sup>2</sup>	{ 20 dollars.	{ 13	In addition to their pay as officers in the line.
Adjutant,				
Quarter master,				
1 Surgeon,	-	-	-	60 dollars.
1 Surgeon's mate,	-	-	-	40
1 Serjeant major,	-	-	-	10
1 Quarter master serjeant,	-	-	-	10
27 Serjeants, [each]	-	-	-	10
1 Drum major,	-	-	-	9
1 Fife major,	-	-	-	9
18 Drums and fifes, [each]	-	-	-	7 1/3
27 Corporals, [each]	-	-	-	7 1/3
477 Privates, [each]	-	-	-	6 2/3

Each of the field officers to command a company.

The lieutenant of the colonel's company, to have the rank of Captain lieutenant.<sup>3</sup>

<sup>1</sup> In the original report the ranks of the first three on the list are given as colonel, lieutenant colonel, and major.

<sup>2</sup> "The pay master chosen by the corps; the others appointed by the colonel from among the subalterns." *Original report.*

<sup>3</sup> "The Field Officers of the light Infantry to be selected from those belonging to the several Battalions. And the Paymaster, &c., as above. An addition of two dollars per month each is made to the Pay of the Serjeants, that good Persons may be got for that necessary office.

"The old arrangement non-Commissioned and Privates consisted of 692. Total 732; their Pay per Month 6,020 Dollars; Rations per month, 23,790.

"The Difference between the Battalions is 160 Dollars per Month, and 4,950 Rations." *Original report.*

## II. ARTILLERY

That a battalion of artillery consist of

COMMISSIONED.					Pay per month.
1 Colonel,	-	-	-	-	100 dollars.
1 Lieutenant colonel,	-	-	-	-	75
1 Major	-	-	-	-	62 2/3
12 Captains, [each]	-	-	-	-	50
12 Captain lieutenants, [each]	-	-	-	-	33 1/3
12 First lieutenants, [each]	-	-	-	-	33 1/3
36 Second lieutenants, [each]	-	-	-	-	33 1/3
Pay master,	} to be taken from the line.	{ 25 dollars	In addition to their pay as officers in the line.		
Adjutant,					
Quarter master,					
1 Surgeon,	-	-	-	-	75 dollars.
1 Surgeon's mate,	-	-	-	-	50
1 Serjeant major,	-	-	-	-	11 23/90
1 Quarter master serjeant,	-	-	-	-	11 23/90
1 Fife major,	-	-	-	-	10 38/90
1 Drum major,	-	-	-	-	10 38/90
72 Serjeants, [each]	-	-	-	-	10
72 Bombardiers, [each]	-	-	-	-	9
72 Corporals, [each]	-	-	-	-	9
72 Gunners, [each]	-	-	-	-	8 2/3
24 Drums and fifes, [each]	-	-	-	-	8 2/3
336 Matrosses, [each]	-	-	-	-	8 1/3

## III. CAVALRY

That a battalion of cavalry consist of

COMMISSIONED.					Pay per month.
1 Colonel,	-	-	-	-	93 3/4 dollars.
1 Lieutenant colonel,	-	-	-	-	75
1 Major,	-	-	-	-	60
6 Captains, [each]	-	-	-	-	50
12 Lieutenants [each]	-	-	-	-	33 1/3
6 Cornets, [each]	-	-	-	-	26 2/3
1 Riding master	-	-	-	-	33 1/3
Pay master,	} to be taken from the line.	{ 25 dollars.	In addition to their pay as officers in the line.		
Adjutant,					
Quarter master,					

*May, 1778*

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1 Surgeon,	-	-	-	-	-	60 dollars.
1 Surgeon's mate,	-	-	-	-	-	40
1 Saddler,	-	-	-	-	-	10
1 Trumpet major,	-	-	-	-	-	11
6 Farriers, [each]	-	-	-	-	-	10
6 Quarter master serjeants, [each]	-	-	-	-	-	15
6 Trumpeters, [each]	-	-	-	-	-	10
12 Serjeants, [each]	-	-	-	-	-	15
30 Corporals,	-	-	-	-	-	10
324 Dragoons,	-	-	-	-	-	8 1/3

#### IV. PROVOST

*Resolved*, That a provost be established, to consist of

	Pay per month.
1 Captain of provosts,	50 dollars.
4 Lieutenants, [each]	33 1/3
1 Clerk,	33 1/3
1 Quarter master serjeant,	15
2 Trumpeters, [each]	10
2 Serjeants, [each]	15
5 Corporals, [each]	10
43 Provosts or privates, [each]	8 1/3
4 Executioners, [each]	10

This corps to be [drafted from the several brigades] mounted on horseback, and armed and accoutred as light dragoons.<sup>1</sup>

*Resolved*, That in the engineering department three companies be established, each to consist of

	Pay per month.
1 Captain,	50 dollars.
3 Lieutenants, [each]	33 1/3
4 Serjeants, [each]	10
4 Corporals, [each]	9
60 Privates, [each]	8 1/3

<sup>1</sup> "Their business is to watch over the Regularity and good Order of the Army in Camp, Quarters or on a March, quell Riots, prevent marauding, straggling and Desertions, detect Spies, regulate Sutlers and the like." *Original report.*

These companies to be instructed in the fabrication of field works, as far as relates to the manual and mechanical part. Their business shall be to instruct the fatigue parties to do their duty with celerity and exactness: to repair injuries done to works by the enemy's fire, and to prosecute works in the face of it. The commissioned officers to be skilled in the necessary branches of mathematics; the non-commissioned officers to write a good hand.<sup>1</sup>

*Resolved*, That the adjutant and quarter master of a regiment be nominated by the field officers out of the subalterns, and presented to the Commander in Chief, or the commander in a separate department, for approbation; and that being approved of, they shall receive from him a warrant agreeable to such nomination.

That the pay master of a regiment be chosen by the officers of the regiment, out of the captains or subalterns, and appointed by warrant as above: the officers are to risque their pay in his hands: the pay masters to have the charge of the cloathing, and to distribute the same.

*Resolved*, That the brigade major be appointed, as heretofore, by the Commander in Chief, or the commander in a separate department, out of the captains in the brigade to which he shall be appointed.

That the brigade quarter master be appointed by the quarter master general, out of the captains or subalterns in the brigade to which he shall be appointed.

+ *Resolved*, That two aids de camp be allowed to each major general, who shall for the future appoint them out of the captains or subalterns.

*Resolved*, That in addition to their pay as officers in the line, there be allowed to an aid de camp 24 dollars per

<sup>1</sup> This paragraph was prepared by Francis Dana. These tables, in the writing of Gouverneur Morris, are in the *Papers of the Continental Congress*, No. 33, folio 99.

month; a brigade major 24 dollars; and a brigade quarter master 15 dollars.

*Resolved*, That when any of the staff officers appointed from the line are promoted above the ranks in the line out of which they are respectively appointable, their staff appointments shall thereupon be vacated.

The present aids de camp and brigade majors to receive their present pay and rations.

*Resolved*, That aids de camp, brigade majors, and brigade quarter masters, heretofore appointed from the line, shall hold their present ranks, and be admissible into the line again in the same rank they held when taken from the line; provided that no aid, brigade major, or quarter master, shall have the command of any officers who commanded him while in the line.

*Resolved*, That whenever the adjutant general shall be appointed from the line, he may continue to hold his rank and commission in the line.

*Resolved*, That where supernumerary lieutenants are continued under this arrangement of the battalions, who are to do the duty of ensigns, they shall be entitled to hold their rank and to receive the pay such rank entitled them to receive.

*Resolved*, That no more colonels be appointed in the infantry; but where any such commission is or shall become vacant, the battalion shall be commanded by a lieutenant colonel, who shall be allowed the same pay as is now granted to a colonel of infantry, and shall rise in promotion from that to the rank of brigadier; and such battalion shall have only two field officers, viz: a lieutenant colonel and major, but it shall have an additional captain.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup> This paragraph, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 33, folio 111.



THURSDAY, MAY 28, 1778

A letter, of 27, from General Weedon, was read;<sup>1</sup>  
Whereupon,

A motion was made for commitment; and, on motion,  
*Resolved*, That the consideration thereof be postponed.

In consequence of a settlement by the auditor general  
and commissioner of claims,

YORK TOWN, *May 27th, 1778.*

James Millegan, Esqr. Commissioner of Claims (by special Direction of the Treasury in the absence of Mr. Turnbull) having liquidated and rendered to the Auditor General, the under mentioned Account, he begs Leave to report the same to Congress for Allowance:

There is due to Captain John Folger for his Expences while in Europe in the Service of the United States, Nine hundred and Sixty Livres Tournois, reduced to dollars at five Livres per Dollar	Dollars          192.
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For his Expences from North Carolina to, at, and from York Town, with an Allowance to travel to Boston, the Sum of	753. 78
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For an Allowance it has been thought proper to make him of two Dollars per Day, from the 21st of October, 1777, when he sailed from Havre de Grace, to the 1st of June next, when he is to be discharged, being 222 days	444.
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1, 389. 78

He has received as follows:

From Monsieur Eyres, Merchant in Havre de Grace, by Direction of the Honble the Commissioners at Paris, One Thousand and Twenty Livres, reduced to Dollars at five Livres per Dollar, and for which they are to be credited	204.
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From Colonel Long, at Hallifax, in North Carolina, on a Letter of Credit from Governor Caswell, and for which [ ] is to be credited	40.
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Balance due to Captain Folger of One Thousand One hun- dred and forty five Dollars and 78/90ths, and for which a Warrant is drawn on the Treasurer	1, 145. 78
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1, 389. 78

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 159, folio 384.

Captain Folger claims pay for three Months he attended to fitting out a Frigate in France before he sailed; which is thought proper to be deferred till Mr. Silas Deane arrives to certify the Fact.<sup>1</sup>

*Ordered*, That 1,145 78/90 dollars be paid to Captain John Folger, being the balance of his account for his service and expences, from 21 October, 1777, to 1 June, 1778.

The Board of War brought in a report; Whereupon,

*Resolved*, That Major Henry Lee's corps of partizan light dragoons consist of three, instead of two, troops:

That these troops be formed on the old establishment, with the usual allowance of officers; and that those wanted in addition to the present officers in the corps be appointed by General Washington, who is also authorized to appoint a proper person to act as quarter master to the corps, with the rank of cornet.<sup>2</sup>

The committee to whom was referred a motion respecting the cloathier general's department, brought in a report, which was taken into consideration; Whereupon,

*Resolved*, That all further purchases of cloathing on account of the United States, by the cloathier general, his deputies, or agents, be forthwith suspended, and that they be directed immediately to prepare and bring in their accounts to the Board of Treasury, to be liquidated and settled.

*Resolved*, That it be recommended to the several States to provide shoes, stockings and shirts, sufficient for their respective Quotas of Troops in the Continental Army.

*Resolved*, That the hides belonging to the United States be applied toward furnishing the army with shoes, as heretofore, under the direction of the Board of War; [and that the said Board do purchase, or cause to be purchased,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 317.

<sup>2</sup> This report, dated May 26, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 61.

shoes, stockings, and linen, for the use of the continental army,]<sup>1</sup> [till the cloathing department shall be properly arranged and organized.]<sup>2</sup>

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 16,000 dollars be advanced to the Marine Committee, to be by them paid to William Smith, Esq. of Baltimore, on account of flour and iron he has purchased for the use of the navy in the eastern department; the said Committee to be accountable:

That 755 42/90 dollars be advanced to the Committee of Commerce, to enable them to pay Andrew and James Caldwell the freight of sundry medicines imported in their sloop from Martinico, on public account; the said Committee to be accountable.<sup>3</sup>

Congress proceeded to the election of a commissary of prisoners, and the ballots being taken,

Major John Beatty was elected.

Congress proceeded to the election of a secretary to the Board of War and Ordnance, and the ballots being taken,

Captain Robert Smith was elected.<sup>4</sup>

The Committee on Foreign Affairs reported a draught of instructions and a new form of a commission to the Commissioners of the United States at the courts of Vienna, Berlin and Tuscany, which were read:

*Resolved*, That the form of the commission be approved, and copies thereof be engrossed in order to be duly executed and sent forward.

<sup>1</sup> In the writing of Gouverneur Morris.

<sup>2</sup> In the writing of Henry Laurens. The report, in the writing of Roger Sherman, is in the *Papers of the Continental Congress*, No. 31, folio 1.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 321.

<sup>4</sup> The letter from the Board of War asking for a Secretary and recommending Captain Robert Smith was dated April 11, 1778, and is in the *Papers of the Continental Congress*, No. 147, II, folio 9. A second letter, dated May 28, is on folio 65.

*Ordered*, That the instructions lie on the table for the consideration of the members.

The form of the commission is as follows:

The delegates of the United States of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in Congress assembled—To all who shall see these presents, Greeting.

Whereas a friendly commercial connexion between the subjects of                      and the people of these United States will be beneficial to both nations: Know ye, therefore, that we, reposing special trust and confidence in the zeal, fidelity, abilities and assiduity of                      have appointed and deputed, and by these presents do appoint and depute the said                      our commissioner; giving and granting to our said commissioner full power and authority to communicate, treat and conclude with                      , or with such person or persons as shall be by him for such purpose authorized, of and upon a true and sincere friendship, and a firm, inviolable and universal peace, for the defence, protection and safety of the navigation and mutual commerce of the subjects of                      and the people of these United States; and to do, not only all such things as may conduce to these desirable ends, but also to transact all such other matters, as shall hereafter be given to him in charge by us; promising, in good faith, to ratify whatever our said commissioner shall transact in the premises.

Done in Congress, at Yorktown, the 28th day of May, in the year of our Lord, 1778. In testimony whereof, the President, by order of the said Congress, hath hereunto subscribed his name, and affixed his seal.

*President.*

Attest.

C. T. *Secretary.*

*Resolved*, That until the secretary of the Board of War and Ordnance be duly qualified and enter upon the execution of his office, all military commissions be attested by the secretary of Congress.

The committee to whom was referred General Washington's letter of the 18, brought in a report: Whereupon,

*Ordered*, That all the linen, shirts, stockings, shoes, and blankets, lately imported on account of these United States now in Boston, Portsmouth, or in any other places in the State of Massachusetts bay or New Hampshire, in whose hands soever the same may be, be immediately sent forward to the cloathier general or his order, to be by him delivered out, if necessary, for the use of the main army; and that the other articles of imported cloathing only, whether they should have been delivered out to any persons in the cloathing department, or others, or not, be removed with all convenient speed, to Springfield, in the county of Hampshire, in the State of Massachusetts bay, there to be stored, if practicable, under the constant care of a suitable store keeper, who shall see that they be properly aired and otherwise attended to, so that they receive no damage by being stored; and the person or persons in whose care the same cloathing shall be, is hereby strictly forbidden to deliver out any part of the same without the special order of Congress or the Board of War.

If the last mentioned cloathing cannot all be conveniently stored in Springfield, that then the residue be stored at Worcester, in the same State, in like manner, and subject to the same directions as that part which may be stored at Springfield. The packages are to be carefully preserved for future transportation.

*Ordered*, That the Board of War attend to, and give proper directions for the punctual execution of the foregoing order.

Congress being informed, that cloathing and other articles imported into Massachusetts bay, on account of the United States, have been delivered partly to the navy board in the eastern district, partly to the board of war of that State, and partly to the continental agent there,

and that parcels thereof have been issued by the said navy board without the order of Congress, Committee of Commerce, or of the Board of War, from all which great confusion, misapplication, and waste may insue; therefore,

*Ordered*, That for the future, all such importations, where not otherwise directed, be delivered into the hands of the continental agent, or his order, only; and the said agent is hereby strictly forbidden to deliver out any part thereof, without the special order of Congress, the Board of War and Ordnance, or the Committee of Commerce.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

FRIDAY, MAY 29, 1778

A memorial from William Tisdale, Esq. judge of the court of admiralty in and for the port of Beaufort, in the State of North Carolina, and John Cooke, Esq. proctor and advocate in the said court, in behalf of John Cochran, Cornelius Anible, Isaac M'Key, and Nathaniel Moore, who brought into the said port, and libelled in the said court of admiralty, a sloop called the *Tryal*, which was condemned in the said court, and two-thirds of the net proceeds adjudged to the use of the United States, and the other third to the use of the said libellants, was read, praying, for sundry special reasons therein set forth, that the two-thirds adjudged to the use of the United States, may be given up to the use of the said libellants:<sup>2</sup>

*Resolved*, That the prayer of the said memorial be granted.

*Resolved*, That the cloathier general and his agents continue to make up and issue the cloathing which they

<sup>1</sup>This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 19, VI, folio 247.

<sup>2</sup>This memorial, dated May 11, is in the *Papers of the Continental Congress*, No. 41, X, folio 13.

have already purchased, and now have in their stores, any thing in the resolution of the 28 instant to the contrary notwithstanding.

*Resolved*, That a committee of four be appointed to report a plan for regulating continental expresses, and to enquire into and rectify abuses in the general post office:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. S[amuel] Adams, Mr. [John] Witherspoon, and Mr. [William Henry] Drayton.

Congress resumed the consideration of the report of the committee lately sent to camp, relative to the establishment of the army; Whereupon,

*Ordered*, That so much thereof as relates to rations, be re-committed.

Congress took into consideration the report of the committee lately at camp, on the letter of the 6 from Governor Caswell: Whereupon,

*Resolved*, That the non-commissioned officers and other men belonging to the batallions of the State of North Carolina, now in camp, be forthwith reduced and formed by the Commander in Chief into as many batallions as they will complete, according to the number composing the old batallions; and that such new formed batallions be officered agreeably to the new arrangement of the batallions; and that all the supernumerary officers be immediately ordered to return to the State of North Carolina, to officer the men raised by that State to complete their quota of the continental batallions, there to remain for the further order of Congress.

*Resolved*, That the State of North Carolina be required to fill up four batallions, and no more, upon the new establishment, in addition to those now at camp, and to officer the same with such of their continental officers, as may be ordered from camp as supernumeraries of the batal-

lions there, or as are within the State of North Carolina, or with such other persons as they shall think proper; and that the said four battallions remain within the State of North Carolina, at such places as the governor shall direct, until the farther order of Congress.

*Resolved*, That the officers, who have been appointed by the State of North Carolina to battallions raised by that State, and who shall not be annexed either to their battallions in camp, or to one of the said four battallions, shall not be considered in the service of these United States, but as dismissed therefrom.

*Resolved*, That 100,000 dollars, be paid to Captain Reading Blount, in lieu of Governor Caswell's draft for 500,000 dollars, made in pursuance of a resolution of the general assembly of the State of North Carolina; the said State to be accountable for the same.<sup>1</sup>

Congress took into consideration the report of the committee on the letters from Mr. President Lowndes, and from Generals Howe and Moultrie; Whereupon,

*Resolved*, That an immediate enquiry be made what stores are now in the State of South Carolina belonging to the United States; and that, for this purpose, the commanding officer of the troops and the continental agent in that State be required to transmit to Congress a full and proper account of the same; and that the president of that State be requested to forward this business by his countenance and authority.

*Resolved*, That the State of South Carolina be requested to continue, as heretofore, to advance whatever monies may be necessary for the payment of the continental troops in that State; and also for whatever contingent expences relative to the troops shall accrue on the conti-

<sup>1</sup>This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 20, II, folio 349.



mental account; and to supervise and examine the expenditure thereof; and that a regular account of all such expenditures be transmitted to Congress up to the 31 day of December in every year, together with the vouchers for the same; and after the said account has been liquidated and adjusted by Congress, the same shall be allowed out of the annual quota to be demanded by Congress of the said State; and if such expenditures shall exceed the quota of that State, the balance shall either be immediately remitted to the said State, or carried to its credit in the continental account:

That the State of South Carolina be allowed to retain the 500,000 dollars, their quota for the present year, as part payment of their account now transmitted to Congress.

That a sufficient number of blank letters of Marque and bonds necessary to accompany them, be with the first convenient opportunity, forwarded to Mr. President Lowndes.<sup>1</sup>

~~Your Committee find, upon examining the Journals of Congress, A Resolution of the 31 of December last, "Recommending to the Government of the several states, to suspend filling up any Vacancies in their respective Regiments untill they shall hear further from Congress." The resolution being so General operates to the exclusion of such Officers as are entitled to rise in the Regimental line. This your Committee humbly conceive will tend very much to detriment the Service, for they are inclined to believe that in consequence thereof many valuable Officers will be lost, who, having served from the beginning of the War, are now well acquainted with their duty. Your Committee would therefore Recommend a Repeal of so much of the said Resolution as excludes Officers from rising in the Regimental line.~~

Your Committee upon examining the Resolution of Congress of the Ninth of February last are of Opinion,

*Resolved*, That Mr. President Lowndes acted with propriety and a true regard to the interest of the United States in refusing to advance any further sums of money

<sup>1</sup> This paragraph was not entered on the Journals.

to Colonel Huger, deputy quarter master general, until he accounted for what he had before received; [and that the president, by the resolution of the 9th February last, has a power of suspending from pay and employment, for misbehaviour or neglect of duty, any officer in the quarter master general's department, or in the commissary general's department, or any officer of the staff or other civil officer, within his State, appointed by the head of his department and not immediately by Congress.]<sup>1</sup>

~~And if he had thought proper, he would have been well justified under the said Resolution in proceeding to a suspension.~~

~~If Congress should see fit to adopt the mode recommended by your Committee for the future payment of the troops, and other necessary expences incurred in the State of South Carolina, then it will be unnecessary to take any notice of that part of Genl. Moultrie's letter, "requesting a Military Chest to be established in that state." But if Congress should disagree with the Committee in this mode, Then your Committee would recommend what appears to them to be the next best plan: That is, the establishment of a Military Chest in that State, which if properly regulated, will very well Answer the purposes intended by it. And it might in part be supplied on the spot by the annual Quota of that State being paid into it.~~

~~Your Committee beg leave to recommend John Sandford Dart Esqr, as a very proper person to be appointed Deputy Clothier General for the State of So. Carolina.<sup>2</sup>~~

The committee to whom were referred the letters of Governor Houston and Major General Howe, with the papers enclosed, brought in a report, which was taken into consideration; Whereupon,

*Resolved*, That all military officers and soldiers in the service of the United States are, and of right ought to be, amenable to the laws of the State in which they reside in common with other citizens; but as to the propriety of

<sup>1</sup> An amendment in the writing of Charles Thomson.

<sup>2</sup> This report, in the writing of John Mathews, is in the *Papers of the Continental Congress*, No. 19, III, folio 193.

undertaking distant expeditions or enterprizes, or other military operations, and the mode of conducting them, the general or commanding officer must finally judge and determine at his peril:

~~That, however, a decent attention and respect ought to be paid to the opinion and inclination of the authority of the State which may be more particularly interested in such matters.~~

*Resolved*, That after a careful examination by their committee of the letters of Governor Houston and Major General Howe, and the papers enclosed; Congress do not find that General R. Howe, has been wanting in that attention and respect to the authority of Georgia. which is due from the commanding officer.

*Resolved*, That Governor Houston be assured that Congress are not unmindful of the particular condition of the State of Georgia, but have for some time past had it in contemplation and are disposed to afford that State such aid, and to adopt such measures, as shall give them effectual relief as soon as it will be prudent, consistent with the great and general interests of the United States.<sup>1</sup>

The committee to whom were referred the letters from General Greene, and Lieutenant Colonel Udney Hay, brought in a report, which was taken into consideration, and agreed to as follows:

Whereas Congress, in the present arrangement of the quarter master general's department, have given the quarter master general the appointment of the subordinate officers of that department;

*Resolved*, That Udney Hay, Esq. who, under the former arrangement of the said department, was appointed assistant deputy quarter master general at Ticonderoga, and a lieutenant colonel by brevet, cannot now hold that office

<sup>1</sup> This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 19, III, folio 199.

by virtue of the said appointment, nor be entitled to any privilege or emolument, which either does at present or may hereafter accrue to any officer of the same rank in the line.

*Resolved*, That no persons, hereafter appointed upon the civil staff of the army, shall hold or be entitled to any rank in the army by virtue of such staff appointment.

The Marine Committee report, that they have conversed with Captain Landais, an experienced sea officer, and skilled in the construction of ships of war, and that he has demonstrated to their satisfaction, that the seventy-four gun ship now on the stocks at Portsmouth, in New Hampshire, may be more profitably for the public, constructed a two-decker, carrying twenty eight 24 pounders upon her lower battery, and twenty eight 18 pounders on the upper deck; in the whole 56 guns: Whereupon,

*Resolved*, That the said ship heretofore intended for one of 74 guns, be constructed to carry 56 guns only, upon two batteries, that is to say, twenty eight 24 pounders upon the lower deck, and twenty eight 18 pounders upon the upper deck.

*Resolved*, That the new continental frigate built at Salisbury, in the State of Massachusetts bay, and lately launched, be called, "*The Alliance*."

*Ordered*, That Mr. Peters have leave of absence from the Board of War for a short time, on business of importance.

Adjourned to 9 o'Clock to Morrow.

SATURDAY, MAY 30, 1778

Mr. [John] Wentworth, [Jun<sup>r</sup>] a delegate from New Hampshire, attended, and took his seat in Congress.

The committee to whom was referred the letter of 24, from General Washington, with the papers enclosed, rela-

tive to Captain Vance, brought in a report, which was read :

*Ordered*, That the consideration thereof be postponed.

*Resolved*, That Tuesday next be assigned to take into consideration the articles of confederation.

The committee to whom was referred the letter of 28 April, from the president and council of the State of Massachusetts bay, brought in a report, which was taken into consideration ; Whereupon,

*Resolved*, That for the reasons assigned by the president and council, Congress approve of their placing about five hundred of the British troops of the convention at Saratoga in the barracks at Rutland, and the erecting temporary barracks at that place for the remainder of the British :

That Congress approve of the Hessians being continued in their present stations, if no other places more safe and convenient at a greater distance from Boston can be had ; but do not think it of public utility to permit these troops to proceed immediately to Great Britain :

That the president and council of Massachusetts bay be requested to cause the barracks, in which the troops of the convention may be stationed, to be picketed in, and to take effectual measures to render an escape impracticable.

Congress took into consideration a report from the Board of Treasury, relative to the managers of the lottery ;  
||and after debate,||

*Ordered*, That it be referred to a committee of three :

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [Roger] Sherman, and Mr. [Francis] Dana.

*Ordered*, That Mr. F[rancis] L[ightfoot] Lee have leave of absence.

*Ordered*, That Mr. [John] Henry have leave of absence.

The Board of War, to whom was referred a petition from John Shearman, brought in a report; Whereupon,

*Resolved*, That the sum of one thousand dollars be advanced out of the public treasury to Mr. John Shearman, on a loan for two years, free of interest, to enable him to prosecute his business; and that Mr. Shearman execute a bond to the treasurer, for the use of the United States, for the payment of the above sum, in such warlike implements or stores, and at such prices and periods of delivery, as shall be contracted for between the Board of War and the said John Shearman; and in default of such contract, the money to be repaid on demand.

The commissioners of claims, with the approbation of the auditor general, report,

Mr. Millegan one of the Committee of Claims, agreeable to Order of the Board of Treasury, having Reported the following Account to the Auditor General, he begs leave to present the same for the allowance of Congress:

There is due to Captain Harman Courter, as follows:

For his expences while in Public service in Europe,	Dollars.
amounting to £110 Sterling reduced to Livres at 10 1/2d Sterling per Livre, and into Dollars at 5 Livres Tour-nois per Dollar, 2,514 1/8 Livres,	502 78/90
For his Expences from Boston to, and at York Town, amounting to £157.12 lawful money at 8/ per Dollar,	525 30/90
<b>Making,</b>	<b>1,028 18/90</b>

From which is to be deducted Money he received from the Honble the Commissioners at Paris, 100 Louis D'ors, for which they are to have credit at 24 Livres per Louis, and in Dollars at 5 Livres per Dollar, 2,400 livres, 480

And from the Board of War at Boston £100.4 lawful for which is to have Credit, equal to 334

Which leaves a Balance due to Captain Courter, and for which a Warrant is drawn on the Treasurer of 214.18<sup>1</sup>

<sup>1</sup> This report, dated May 22, is in the *Papers of the Continental Congress*, No. 136, II, folio 309.

That they have liquidated the accounts of Captain Harman Courter's expences while in the public service, and that there is a balance due to him, amounting to 214 18/90 dollars:

*Ordered*, That the said sum be paid.

*Ordered*, That the Board of Treasury report a proper sum as a compensation for the Captain Courter's time and trouble in bringing despatches from the commissioners at Paris to Congress.

*Resolved*, That the Board of War be directed to report to Congress a plan for the payment of the sums that may, from time to time, be due to officers and soldiers of the United States, for their pay and rations whilst in captivity.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on Nathaniel Appleton, Esq<sup>r</sup> commissioner of the continental loan office in the State of Massachusetts bay, for seven thousand one hundred and ninety 56/90 dollars, in favour of Parson Jones and Enoch Ilsey, in discharge of a draught of his Excellency R. Caswell, governor of North Carolina, dated Newbern, 4 May, 1778, for £2,876 5s North Carolina currency, in favour of Richard and James Ellis, expressed to be for cloathing purchased for the use of the army; the said State to be accountable.<sup>1</sup>

*Resolved*, That for the space of one month, commencing on Monday next, Congress meet at ten o'clock and sit till one, and on the same day, except on Wednesdays and Saturdays, meet at three and adjourn at six o'Clock P. M., and that Congress be not on any account whatever, continued over the times fixed, if any one State insists on adjourning.

Adjourned to 10 o'Clock on Monday.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 333.

MONDAY, JUNE 1, 1778

A letter, of 21 May, from General Washington, enclosing an account of Brigadier M'Intosh, for his expences from Georgia to head quarters, and sundry other papers, was read:

*Ordered*, That the account of Brigadier M'Intosh, be referred to the Board of Treasury, and that General Washington's letter, with the other papers enclosed, be referred to the Board of War.

A letter, of 28 May, from General Washington, and one, of the 26, from Governor Livingston, were read.<sup>1</sup>

Congress took into consideration the instructions to the commissioners in Europe, and after debate,

*Resolved*, That they be re-committed, and that three members be, for this purpose, added to the Committee for Foreign Affairs, who reported the same:

The members chosen, Mr. [William Henry] Drayton, Mr. [William] Duer, and Mr. [James] Smith.

THREE O'CLOCK, P. M.

The committee to whom was re-committed the instructions to the commissioners of the United States at the several courts in Europe, brought in a report, which was taken into consideration, and after some debate thereon,

*Resolved*, That the farther consideration thereof be postponed.

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> Washington's letter of May 2 is in the *Papers of the Continental Congress*, No. 152, VI, folio 43; that of the 28th, is on folio 47; that of Livingston is in No. 68, folio 371.



TUESDAY, JUNE 2, 1778

A letter, of 27 May, from General Gates, at Fish kill, enclosing copies of letters that passed between him and General Washington, and between him and Governor Trumbull, with sundry other papers; also a letter of 23 May, from General Conway, were read:<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

Congress proceeded to the election of a deputy adjutant general in the northern department, in the room of Lieutenant Colonel Troup, who declines, and whose commission is returned by General Gates; and the ballots being taken,

Colonel William Malcolm was elected.

The Board of War having represented, "that the corps of artificers is sufficient for the protection of the magazines and stores at Carlisle,"

*Resolved*, That Major Wilson's corps, raised as guards for the stores and magazines at Carlisle, in the State of Pennsylvania, be dismissed the service of the United States.<sup>2</sup>

*Resolved*, That the officers hereinafter mentioned be entitled to draw one ration a day, and no more; that where they shall not draw such ration, they shall not be allowed any compensation in lieu thereof; and to the end, that they may be enabled to live in a manner becoming their station:

*Resolved*, That the following sums be paid to them monthly for their subsistence, to wit: to every colonel,

<sup>1</sup>The letter of Gates is in the *Papers of the Continental Congress*, No. 154, I, folio 332; that of Conway is in No. 159, folio 481.

<sup>2</sup>This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 67.

fifty dollars; to every lieutenant colonel, forty dollars; to every major, thirty dollars; to every captain, twenty dollars; and to every lieutenant and ensign, ten dollars; and to every regimental surgeon, thirty dollars; to every regimental surgeon's mate, ten dollars; and also to every chaplain of brigade, fifty dollars.

*Resolved*, That subsistence money be allowed to officers and others on the staff, in lieu of extra rations, and that henceforward none of them be allowed to draw more than one ration a day.

*Ordered*, That the committee of arrangement be directed to report to Congress, as soon as possible, such an allowance as they shall think adequate to the station of the respective officers and persons employed on the staff.

The commissioners of claims, with the approbation of the auditor general, report,

That there is due to the Rev. Mr. George Duffield, as chaplain to Congress, from 1 October, 1777, to 30 April, 1778, inclusive, exclusive of rations due to him, being seven months, at 60 dollars a month, 420 dollars, which is to be paid to the Rev. Dr. [John] Witherspoon, at the request of Mr. Duffield:

There is also due to Mr. Duffield rations for some time, but as the Commissioners of Claims cannot ascertain the value of a ration, the same is deferred until a future settlement with him.

That there is due to Peter Scriber, for making a box for a paper mould for bills of exchange, six dollars:<sup>1</sup>

*Ordered*, That the said sums be paid.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 800 dollars be advanced to Brigadier McIntosh, [on account of his extra disbursements in

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 335.

repairing from Georgia to headquarters, and thence to Fort Pitt, in pursuance of the order of Congress.]

*Ordered*, That 30,395 62/90 dollars, be paid to Reading Blount, in discharge of a draft of his excellency Richard Caswell, governor of the State of North Carolina, in favour of Nicholas Long, deputy pay master general of that State, for the sum of £1,400, and £10,758 5 shillings 6 pence, North Carolina currency, expressed to be for the purchase of waggons, and the balance of the said Nicholas Long's account, the said State to be accountable.

*Ordered*, That 1,500 dollars be paid to Captain Harman Courter, in compensation for his public services, and to defray his expences to Boston.

N. B. Captain Courter acknowledges to have received a Curricule from the Board of War at Boston which he engages to deliver up on his return to Boston, or will deliver the Curricule here, provided the Public will furnish him with means to carry back his Baggage.<sup>1</sup>

*Resolved*, That the order of the day for taking into consideration the articles of confederation, be postponed.

THREE O'CLOCK, P. M.

*Resolved*, That an interpreter and translator of languages to Congress be appointed; that his pay be one hundred dollars per month:

The ballots being taken,

Mr. Paul Fooks was elected.

A letter, of 31 May, from General Washington, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Thomas] M'Kean, Mr. [John] Witherspoon, and Mr. James Smith.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 337. The words in brackets were inserted by Henry Laurens.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 55.

Congress resumed the consideration of the instructions to the commissioners ||of the United States|| at foreign courts, and after some time spent thereon,

*Resolved*, That the farther consideration thereof be postponed till to morrow.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JUNE 3, 1778

A letter, of the 28 May, from Governor Trumbull, enclosing a copy of a letter from William Tryon, governor ||of New York,|| and Governor Trumbull's answer, was read:<sup>1</sup>

*Ordered*, That the same be referred to the Committee of Intelligence.

A letter, of 28 May, from General Washington, and one, of the 16 May, from General Sullivan, were read:

*Ordered*, That they be referred to the Board of War.

A letter, of 27 May, from J. Wadsworth, commissary general of purchases, with sundry papers enclosed, was read:

*Ordered*, That the same be referred to a committee of three;

The members chosen, Mr. [Charles] Carroll, Mr. [Gouverneur] Morris, and Mr. [Samuel] Huntington.

A letter, of 17 May, from General Schuyler, at Albany, enclosing a message from him to the Oneidas and Tuscaroras, was read:<sup>2</sup>

*Ordered*, That the same be referred to the Board of War.

<sup>1</sup> These papers are in the *Papers of the Continental Congress*, No. 66, I, folio 394.

<sup>2</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 51; that of Sullivan is in No. 160, folio 121; that of Wadsworth, in No. 78, XXIII, folio 499; and that of Schuyler, with the message, in No. 153, III, folio 314.

A memorial from Captain Harman Courter, was read, praying "to be honoured with the commission of a captain, to be employed when there may be a sufficient number of ships for those now holding that rank, who may be capable of the important trust; but in the interim, not to receive any pay which may accrue by virtue of such commission until he is called into actual service."<sup>1</sup>

On motion, that the prayer of the memorial be granted, passed in the negative.

*Ordered*, That printed pamphlets, containing lists of the prizes drawn by adventurers in the first class of the lottery of the United States, be transmitted by the managers to the assemblies, commissioners of the loan offices, post masters, and lottery agents, and to every person intrusted with the sale of tickets in the several states, for the free inspection of the several adventurers; and that the printers in the several states be requested to publish the whole in weekly portions.

The committee to whom was referred the letter, of 31 May, from General Washington, brought in a report, which was read, and, after debate,

That the Supreme Executive Council of Pennsylvania be requested forthwith to order the Commissioner for the county of Philadelphia, appointed by Act of Assembly of the said State, for the purchasing cloathing and other Articles for the army of the United States, to repair to the City of Philad<sup>e</sup> immediately after the same shall be evacuated by the British army, and, associating to himself the Hon: John Bayard and Sam<sup>l</sup> Howell late of the said city, merchants, or one of them, to purchase, or if necessary seize agreeable to the powers vested in him by the Act of Assembly aforesaid, at the prices fixed by law, all such cloathing and other articles enumerated in said act, for the use of the army of these States, as they shall there find; and to store the same, until they shall render an Account of their proceedings

<sup>1</sup> This memorial, dated June 3, is in the *Papers of the Continental Congress*, No. 41, II, folio 47.

in the premises to Congress, who will direct payment to be made for the same, and a reasonable allowance to the Gentlemen employed in this business.

That General Washington be directed to afford all necessary aid to the Gentlemen above named in discharging the service required of them.<sup>1</sup>

*Ordered*, That it be re-committed, and that two members be added to the committee:

The members chosen, Mr. [Francis] Dana and Mr. R[ichard] H[enry] Lee.

The commissioners of claims, with the approbation of the auditor general, report,

YORK TOWN, *June 3, 1778.*

The Commissioners of Claims at the Treasury Board, having liquidated and reported the under mentioned Accounts to the Auditor General, he begs leave to report the same to Congress for Allowance:

There is due to Martin Brenecise for his services as Door-keeper to the Honble. Continental Congress, from the 1st March to the 31st May, inclusive, is 92 days, at 10/ per day, and 2/6 per day of ringing the Bell

153. 30

There is due to Claypoole and Cist for expences on a journey to and from Baltimore, Dorsey and Webb's Mills at Elk Ridge, per Order of the Board of Treasury,

59. 08

For 7 days Chair Hire

4. 60

For 7 days Wages at 30/ each

56.

---

119. 63

There is due to James Claypoole for expences going to, at and from Mr. Fullerton's Mill and the Valley forge and Head Quarters

38. 66

For 14 days Wages at 30/ per day

56.

---

214. 39

Making in the whole two hundred and fourteen Dollars and thirty nine ninetieths of a Dollar

<sup>1</sup> This report, in the writing of Thomas M'Kean, is in the *Papers of the Continental Congress*, No. 19, VI, folio 245.

They have received from the Treasury the Sum of two Hundred Dollars, which leaves a Ballance due Claypoole and Cist of fourteen Dollars and thirty nine ninetieths of a Dollar. 14. 39<sup>1</sup>

That there is due to Martin Brenecise, for his service as door keeper, &c. to Congress, from 1 March to 31 May, inclusive, 92 days, 153 30/90 dollars:

That there is due Claypoole & Cist, a balance of 14 30/90 dollars, for their service and expences on a journey to and from Baltimore, &c. by order of the Board of Treasury:

*Ordered*, That the said accounts be paid.

Adjourned to 10 o'Clock to Morrow.

#### THURSDAY, JUNE 4, 1778

A letter, of the 1, from General Pulaski; one, of the 23 May, from Captain Touzard, were read:

*Ordered*, That they be referred to the Board of War.

A letter, of 2d, from General Washington, was read.

A letter, of the 1st, from Mr. R[esolve] Smith, were read.<sup>1</sup>

*Resolved*, That a committee of three be appointed to examine the journal, and extract from thence, in order for publication, all the resolutions relative to the government of the army, the regulations of the quarter master's, commissary's, and cloathier's department, and to the pay and settlement of the accounts of the army:

The members chosen, Mr. [Charles] Carroll, Mr. [John] Mathews, and Mr. [John] Wentworth [Jun<sup>r</sup>].

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 339. The proper addition of Claypoole's account is twenty nine ninetieths.

<sup>2</sup>The letter of Pulaski is in the *Papers of the Continental Congress*, No. 164, folio 9; that of Touzard in No. 78, IX, folio 157; that of Washington in No. 152, VI, folio 63.

A letter, of 1, from General Greene, Q. M. G., was read:

*Ordered*, That it be referred to the Board of War, who are directed to report thereon with all convenient despatch.

A letter of the 2, from W. Atlee, Esq<sup>r</sup> deputy commissary of prisoners, at Lancaster, was read:<sup>1</sup>

*Ordered*, That the consideration thereof be postponed.

A letter, of 6 May, from Governor Caswell, enclosing a resolution of the general assembly of North Carolina, in favour of Monsr. de Cambray, ||was read:||

*Ordered*, That the same be referred to the Board of War.

A memorial from [Thomas] Conway, late major general in the service of the United States, was read:<sup>2</sup>

*Ordered*, To lie on the table.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 8,583 30/90 dollars be advanced to the Committee of Commerce, to pay Cumberland Dugan the valuation of his brigantine *Abigail*, chartered and insured on public account, and which was captured by the enemy, as appears by the captain's protest; the said Committee to be accountable:

That 4,704 dollars be advanced to the Committee of Commerce, to pay a bill drawn on them by Mr. Stephen Ceronio, commercial agent at Cape François, dated the 24 March, 1777, in favour of Adam Badcock [Babcock]; the said Committee to be accountable:<sup>3</sup>

That 12,000 dollars be advanced to Joseph Nourse, pay master to the Board of War and Ordnance, to enable the

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, I, folio 173.

<sup>2</sup> This memorial, dated June 4, is in the *Papers of the Continental Congress*, No 41, II, folio 51.

<sup>3</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 341.



Board of War and Ordnance to pay the sums due to the troops ordered to march to Fort Pitt; the said Board to be accountable.<sup>1</sup>

*Ordered*, That the resolutions passed May 2, for paying the prizes in the first class of the lottery, and for drawing the second class, be published, changing the word "November" into "January."

A letter, of 20 April, from Dr. Rush to Messrs. [William Henry] Drayton, [Samuel] Huntington, and [John] Banister, committee appointed on 3d of that month to inquire into Dr. Rush's charges against Dr. Shippen, ||was read:||<sup>2</sup>

*Ordered*, To lie on the table.

THREE O'CLOCK, P. M.

The Board of War having represented the expediency of appointing commissioners to meet the Indians at Fort Pitt, and to attend the treaty proposed by the late commissioners,

*Resolved*, That three commissioners be appointed for the purpose of holding a treaty with the Delawares, Shawanese, and other Indians, who may assemble at Fort Pitt, on the twenty third of July next.

*Resolved*, That the governor and council of the State of Virginia be requested and authorized to appoint two gentlemen, and the executive power of the State of Pennsylvania, to appoint one gentleman, of suitable characters, for the purpose aforesaid.

*Resolved*, That Congress will make an adequate allowance for the services and expences of the said commissioners.<sup>3</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 343.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 233.

<sup>3</sup> This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 69.

The committee to whom was referred the letter of the 27, from J. Wadsworth, with the papers enclosed, brought in a report, which was taken into consideration: Whereupon, Congress came to the following resolution:

Whereas, it hath been found by Experience that Limitations upon the Prices of Commodities are not only ineffectual for the Purposes proposed, but likewise productive of very evil Consequences to the great Detriment of the public Service and greivous Oppression of Individuals;

*Resolved*, That it be recommended to the several States to repeal or suspend all Laws or Resolutions within the said States respectively limiting, regulating, or restraining the Price of any Article, Manufacture or Commodity.

Whereas, the Practice of exporting Wheat, Rice, Rye, Indian Corn, Flour, Bread, Beef, Pork, Bacon, live Stock, and other Provisions hath been attended with the pernicious Consequences not only of raising the Price of such Articles and streigthening the Agreed, that an embargo shall be laid.<sup>1</sup> Armies of these States for Subsistence, but also of affording Supplies to their Enemies, thereby enabling them more effectually to prosecute the present unjust War,

*Resolved*, That it be recommended to the several States to take effectual Measures for preventing the Exportation of the said Articles, or any of them, excepting so much as may be necessary for the Crews of Ships or Vessels of War, or of such as may be laden with other Merchandizes untill the Day of next, and for punishing all Persons who under Color thereof may

*Resolved*, That the Governors of Virginia and Maryland be requested to forward immediately by Water to the Head of Elk, the Provisions purchased for the Use of the continental Army, within those States, and which lie contiguous, or convenient to Navigation, and to take such Measures for that Purpose as they shall deem most expedient.<sup>2</sup>

Whereas, by a change of circumstances in the commerce of these states, the regulation of prices lately

<sup>1</sup> The marginal entry is in the writing of Henry Laurens.

<sup>2</sup> This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, VI, folio 123.

recommended by Congress may be unnecessary; and the measure not being yet adopted by all the states: therefore,

*Resolved*, That it be recommended to the legislatures of the several states that have adopted it, to suspend or repeal their laws made for that purpose.

*Ordered*, That the farther consideration of the report be postponed till to morrow.

*Ordered*, That the letter of 2d, from W. Atlee, with the papers enclosed, be referred to the Board of War.

A memorial from Ephraim Blaine, Esq<sup>r</sup> deputy commissary general of purchases, was read:

*Ordered*, That it be referred to the Board of Treasury, who are directed to report specially thereon.

*Resolved*, That the resolutions of Congress for the arrangement of the army be transmitted to the Commander in Chief, who, with the advice and assistance of the honble. Joseph Reed and Francis Dana, Esq<sup>r</sup> or either of them, is hereby directed and empowered to proceed in arranging the same according to the said resolutions, and the resolutions of the tenth day of January last; and, for this purpose, that the committee appointed according to the resolutions last mentioned, do transmit to the Commander in Chief all such materials as may be in their possession relative to such arrangement; and further,

*Resolved*, That the Commander in Chief transmit to the Board of War lists of the officers of the several regiments on the new arrangement, that new commissions be made out for such officers.<sup>1</sup>

A petition from Henry Watts, was read:

*Ordered*, That it be referred to the Board of War.

<sup>1</sup>This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 21, I, folio 207. The names were inserted by Henry Laurens. See also under June 9, 1778, *post*.

The committee to whom was re-committed the report on the letter of 31 May, from General Washington, brought in a report, which was taken into consideration: Whereupon,

*Resolved*, That should the city of Philadelphia be evacuated by the enemy, it will be expedient and proper for the Commander in Chief to take effectual care that no insult, plunder, or injury of any kind, may be offered to the inhabitants of the said city:

That, in order to prevent public or private injury from the operations of ill disposed persons, the General be directed to take early and proper care to prevent the removal, transfer, or sale of any goods, wares, or merchandise in possession of the inhabitants of the said city, until the property of the same shall be ascertained by a joint committee, consisting of persons appointed by Congress, and of persons appointed by the supreme executive council of the State of Pennsylvania, to wit, so far as to determine, whether any, or what part thereof may belong to the king of Great Britain or to any of his subjects.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JUNE 5, 1778

*Resolved*, That the committee appointed to examine and extract resolutions from the journals for publication, be discharged from that service.

*Ordered*, That the secretary deliver to the auditor general such of the journals of Congress as he shall, from time to time, judge necessary, for extracting resolutions relative to the department of auditors of the army, passed since the first of January, 1777.

<sup>1</sup> These resolutions were quoted in a proclamation issued as a handbill, by Major General Arnold, June 19, 1778. See *Pennsylvania Archives*, VI, 606.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That upon the application of the Board of War and Ordnance, 27,520 dollars be paid to Joseph Nourse, pay master of the said board, to be by him transmitted to Brigadier M'Intosh, for the purpose of raising two regiments in the states of Virginia and Pensylvania, for the defence of the western frontiers, agreeably to the resolution of the 2d May last; Brigadier M'Intosh to be accountable.<sup>1</sup>

Congress resumed the consideration of the report of the committee on the letter of the 27 May, from J. Wadsworth, and after some progress being made thereon,

*Resolved*, That it be re-committed, and that two members be added to the committee;

The members added, Mr. [Richard Henry] Lee and Mr. [Francis] Dana.

Adjourned to 10 o'Clock to Morrow.

SATURDAY, JUNE 6, 1778

Mr. [Thomas] Heyward, a delegate from South Carolina, attended, and took his seat in Congress.

A letter, of the 4, from General Washington, with copies of letters that passed between him and Lord Howe and General Clinton;

Also a letter of the 27 May, from Lord Howe; and one, of the 3 June, from General Henry Clinton, at Philadelphia, accompanied with three acts of parliament ||of Great Britain||; were read:<sup>2</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 345.

<sup>2</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 63; that of Howe, in No. 78, XI, folio 299; and that of Clinton, in the Library of Congress, U. S. R.

*Ordered*, That the same be referred to a committee of five;

The members chosen, Mr. [William Henry] Drayton, Mr. [Richard Henry] Lee, Mr. G[ouverneur] Morris, Mr. [John] Witherspoon, and Mr. S[amuel] Adams.

*Ordered*, That the committee retire into the next room, and prepare an answer to Lord Howe and General Clinton's letters.

A letter, of the 6, from Thomas Conway, late major general in the service of the United States, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of the 5, from the council of Pennsylvania to the delegates of that State in Congress, and a memorial and petition from sundry inhabitants of the county of Northumberland, were laid before Congress, and read:<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

The Board of War brought in a report; Whereupon,

*Resolved*, That the resolution of Congress of 2 June, relative to the subsistence money to be allowed to officers in the continental service, be extended to all militia or other troops which may from time to time, be called into the continental service, or which may be raised in pursuance of a special resolution of Congress.

AT A BOARD OF WAR, 5th June 1778

The Board of War being of Opinion, that great delays will be occasioned in raising the two Regiments, destined for the defence of the Western Frontiers, should they depend on their supply of Bounty Cloathing, from the Clothier General's Department, and that the public Interest will be greatly promoted by bringing these Regiments into the field with the utmost dispatch, beg leave to submit to Congress, the following Resolutions:

*Resolved*, That Brigadier M'Intosh be authorized to purchase, and cause to be made up, on the most reasonable

<sup>1</sup> The Council letter is in the *Papers of the Continental Congress*, No. 69, I, folio 529; the Northumberland memorial is in No. 42, VI, folio 190.

terms, such articles of the bounty cloathing for the two regiments which are to be raised in pursuance of the resolution of Congress of the 2 May last, as cannot be speedily procured from the commissary general of cloathing; and that to enable Brigadier M'Intosh to execute this resolution, the sum of 60,000 dollars be advanced: for which General M'Intosh is to be accountable.

The Board of War beg leave further to Report, That as the Command of the Western department will be of an extensive and important nature, That Brig<sup>r</sup> Gen<sup>l</sup> M'Intosh be authorized to appoint a Secretary with the Salary allowed to the Secretaries of General <sup>Postponed</sup> Officers commanding in a separate Department, and also an additional Brigade Major to be taken out of the Line. The continuance of these persons in office to depend on the business of the department requiring the same for the public good.<sup>1</sup>

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 1,125 dollars be paid to Brigadier Lachlan M'Intosh, in discharge of a bill in his favour drawn by Thomas Reed, assistant pay master general, dated camp, 19 May, 1778; William Palfrey, pay master general, to be accountable.<sup>2</sup>

Another letter, of the 5, from the council of Pennsylvania to the delegates of that State, was laid before Congress, and read:

*Ordered*, That it be referred to the Board of Treasury.

The committee appointed to prepare an answer to Lord Howe and General Clinton's letters, brought in a draught, which was read and agreed to as follows:

MY LORD,

I have had the honor to lay your lordship's letter, of [May 27th,] with the acts of the British parliament enclosed, before Congress, and I am instructed to acquaint your lordship, that they have already expressed

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, II, folio 73.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 347.

their sentiments upon bills not essentially different from those acts, in a publication of the 22 of April last.

Your lordship may be assured, that when the king of Great Britain shall be seriously disposed to put an end to the unprovoked and cruel war waged against these United States, Congress will readily attend to such terms of peace, as may consist with the honor of independent nations, the interest of their constituents, and the sacred regard they mean to pay to treaties.

I have the honor to be, &c.

*Ordered*, That a similar letter be sent to General Clinton.

A letter, of 27, from Colonel Malcolm, lately appointed deputy adjutant general in the northern department, was read:<sup>1</sup>

*Ordered*, That it be referred to the committee of arrangement.

Adjourned to 10 o'Clock to Morrow ||on Monday.||

MONDAY, JUNE 8, 1778

Mr. Henry Marchant, a delegate from Rhode Island and Providence Plantations, attended, and produced the credentials of the delegates of that State, which were read as follows:

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

I certify, that at the general election held at Providence, within and for the state aforesaid, on the first Wednesday in May inst. the hon. Stephen Hopkins, esq. the hon. William Ellery, esq. the hon. Henry Marchant, esq. and the hon. John Collins, esq. were chosen delegates to represent the said state in Congress, for one year, as appears of record. In witness whereof, I have hereunto set my hand, this eighth day of May, in the year of our Lord one thousand seven hundred and seventy-eight.

HENRY WARD, *Secretary*.

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 347.



A letter, of 26 May, from Major General Sullivan, at Providence, was read:<sup>1</sup>

*Ordered*, That it be referred to the Committee of Intelligence, and that when they have extracted from it what they judge proper to be published, that it be referred to the Board of War.

A letter, of the 7th, and one, of the 28 February, from William Lee, esq: at Paris, was read:

*Ordered*, That they be referred to the Committee for Foreign Affairs.

A letter, of May 28, from Mr. Chevallie, supercargo of the ship *Brave* ||*Fier*|| *Roderique*, arrived in Hampton road, Virginia, and one, of 23 March, from Messrs. Beaumarchais & Co. by the said ship, were read:

*Ordered*, That they be referred to a committee of three: The members chosen, Mr. [Gouverneur] Morris, Mr. [John] Banister, and Mr. [Francis] Dana.

The Board of War, to whom was referred the letter of 28 May, from General Washington, having reported thereon, Congress came to the following resolution:

It appearing by General Washington's letter of the 28 May, that Lieutenant Colonel John Gibson, of the 6 Virginia regiment, has, since the twenty-fifth day of October last, been entitled to the commission of colonel in that line,

*Resolved*, That a commission of colonel in the Virginia line be granted to Lieutenant Colonel John Gibson; he to rank as colonel from the twenty-fifth day of October, 1777.<sup>2</sup>

The Board of War, to whom was referred the memorial and petition from sundry inhabitants of Northum-

<sup>1</sup> The letter of Sullivan is in the *Papers of the Continental Congress*, No. 160, folio 125.

<sup>2</sup> This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 71.

berland, in the State of Pennsylvania, having reported thereon, Congress came to the following resolutions:

*Resolved*, That one company of foot be raised in the county of Northumberland, in the State of Pennsylvania, for its immediate defence, and the assistance of the inhabitants of the neighbouring counties, so far as it shall be in their power, against the Indians and other enemies who may infest the same, but not to be marched from these frontiers without their own consent:

That this company consist of one captain, one captain lieutenant, two lieutenants, and one ensign, five serjeants, five corporals, and eighty five privates, and continue in service for six months from the time of their inlistment, unless sooner discharged by Congress:

That the president and council of the State of Pennsylvania be empowered to issue warrants to suitable persons for officers to inlist the company aforesaid, and to grant a commission to such one as shall inlist nineteen men:

That the same pay, rations, and subsistence money be allowed this company as to officers, of the like ranks, and soldiers in the continental army:

That the commissary general of purchases, or his deputy, be directed to contract with a suitable person to supply this company with provisions:

That each man provide himself with cloaths and a blanket:

That eight dollars be allowed to each man who shall furnish himself with a good rifle and accoutrements:

That the lieutenant, or in his absence, the sub-lieutenants, of the county of Northumberland, be empowered and desired to superintend the said company, give orders relative to its operations, and in case of failure in duty of any of the officers, to report the same to the Board of War.<sup>1</sup>

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, II, folio 77.

A letter, of the 2, from Governor Johnson, of Maryland, to the delegates of that State, was laid before Congress:<sup>1</sup>

*Ordered*, That it be referred to the Board of War, who are directed to enquire into the matters set forth therein, and to take such measures for the relief of the Maryland troops as can be adopted consistent with a regard to the general wants of the army.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the report of the committee on the letter from Mr. Wadsworth, whereupon Congress came to the following resolution:

Whereas, the exportation of provisions from these states hath occasioned much difficulty in procuring supplies for our armies, and by the capture of vessels concerned in such exportation, the armies of the enemy have been freed from distresses that would have greatly embarrassed their operations; and, whereas, for the easy supply of our armies, and to embarrass and distress the enemy the ensuing campaign, it is absolutely necessary an embargo should be immediately laid to prohibit such exportations; and as from the distance of the states from Congress, and the different periods of assembling their legislatures, the good end of such embargo would be wholly frustrated, should Congress not proceed to impose the embargo; therefore,

*Resolved*, That an embargo be, and it hereby is laid, to prohibit the exportation of wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live stock, and other provisions, from any of these United States, from and after the tenth day of June instant, until the fifteenth day of November next, unless sooner revoked by Congress; Provided, that this embargo shall not be construed to prevent the taking on board such provision as shall be necessary

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 70, folio 255.

for the stores, only, of any ships or vessels of war, or others, trading to and from these states.

*Resolved*, That it be earnestly recommended to the respective states, to take the most effectual measures for carrying the foregoing resolution into immediate execution.

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JUNE 9, 1778

A letter, of the 7, from General Washington, was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. S[amuel] Adams, and Mr. [Henry] Marchant.

A letter, of the 3d, from General Gates, with fifteen papers enclosed; Also, a letter, of 29 May, from General Schuyler, at Albany, with three papers enclosed, were read:<sup>1</sup>

*Ordered*, That the letter from General Schuyler, with the papers enclosed, be referred to the Board of War:

That the letter, from General Gates, with the papers enclosed, except ||those numbered|| 4, 5, and 6, be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. [Richard Henry] Lee, and Mr. S[amuel] Adams.

*Ordered*, That the Board of War be discharged from proceeding on the letter of 26 May, from General Sullivan, and that it be referred to the foregoing committee.

*Ordered*, That so much of General Gates's letter as relates to establishing a magazine of flour in the eastern department, be referred to the Board of War.

<sup>1</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 83; that of Gates, in No. 154, I, folio 370; and that of Schuyler, in No. 153, III, folio 330.

A letter, of 24 May, from Brigadier Stark, was read:

*Ordered*, That it be referred to the committee above appointed.

A letter, of 25 May, from Major General Marquis de la Fayette, with sundry papers enclosed, was read:<sup>1</sup>

*Ordered*, That so much as relates to Mons. Touzard and Mons. de Normont, be referred to the Board of War.

A letter of the 5, from the Marquis de la Fayette, was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Thomas] McKean, Mr. [John] Witherspoon, and Mr. [Roger] Sherman.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 50,000 dollars be advanced to Dr. Isaac Forster, deputy director general in the eastern district, for the use of his department; and for which he is to be accountable.

That 250 dollars be paid to Andrew Armstrong, in discharge of a bill drawn by John Ashe, treasurer of the State of North Carolina, dated 22 May, 1777, in favour of Edmund Gambell, expressed to be for the service of the United States; the State of North Carolina to be accountable.

*Resolved*, That four members be added to the Board of Treasury:<sup>2</sup>

The members chosen, Mr. [Thomas] Heyward, Mr. [Henry] Marchant, Mr. [John] Wentworth, and Mr. [Roger] Sherman.

The Committee of Commerce, to whom was referred the memorial of Mons. Dorré, report, that the memorialist hath produced to the Committee a promissory note, by

<sup>1</sup> The letter of Stark is in the *Papers of the Continental Congress*, No. 162, folio 211; that of Lafayette is in No. 156, folio 9.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 351.

him subscribed, and which accompanies the report, payable to Congress on the 10th day of January next, for the sum of one thousand pounds, continental currency, meaning thereby one thousand pounds, Pennsylvania currency, or 2,666  $\frac{2}{3}$  dollars, which promissory note is also undersigned by the honble. George Plater, Francis Lightfoot Lee, John Banister, Charles Carroll, of Carrollton, Esqrs. Colonel Thomas Hartley, honble. W. H. Drayton, John Mathews, Daniel Roberdeau, William Duer, and Gouverneur Morris, Esqrs. as security for the above sum; Whereupon,

*Resolved*, That the sum of 2,666  $\frac{60}{90}$  dollars be advanced to the honorable George Plater, and the other subscribers, to be by them appropriated to the use of the memorialist, if they think proper, they to be chargeable for the re-payment thereof, at the time mentioned in the said note.

THREE O'CLOCK, P. M.

Whereas doubts have arisen as to the sum which shall be paid for the rations which now may be due and owing to officers in the service of these states, and also as to the vouchers for drawing the same, by reason whereof the intentions of Congress with respect to such officers are frustrated:

*Resolved*,<sup>1</sup> That the value of the rations due since the first day of last January, till the first instant be estimated at one third of a dollar; and that the officers do present their accounts to the pay master general, or deputy pay masters general, who shall adjust and pay the same; provided, always, that the said officers shall make oath to their accounts respectively, which oaths the said pay masters

<sup>1</sup>The original report read: "Value of rations be estimated as follows, viz: From the Commencement of the War to the first Day of January, 1777, at one eighteenth ninth of a Dollar; from thence to the first Day of July, 1777, at one sixth of a Dollar; thence to the first Day of January, 1778, at one fourth of a Dollar."

are hereby empowered and directed to administer, and transmit the said accounts, with the receipts thereon, to the treasury.<sup>1</sup>

*Resolved*, That the deputy director general of the hospital in the eastern department shall, as heretofore, in the absence of the director general, superintend the medical affairs of that department, till the further order of Congress.

The committee of arrangement brought in a report on the department of the cloathier general, which was taken into consideration, and some progress being made therein,

*Ordered*, That the further consideration thereof be postponed.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JUNE 10, 1778

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 200,000 dollars be advanced to Dr. Jonathan Potts, deputy director general for the middle district, for the use of his department; he to be accountable.

N. B. Dr. Potts applies for 300,000 Dollars; but as he has already had *that* sum advanced him since February last, and as the Treasury is at present very low, your Committee judged it improper to report so large a sum. They beg leave further to inform Congress, that from an examination of the estimates given them by Dr. Potts, they conceive the expences that accrue in his Department are exorbitant; they have therefore laid them before Congress for their Inspection.<sup>2</sup>

The committee to whom was referred the letter of the 3, from General Gates, with the papers enclosed, reported

<sup>1</sup> These paragraphs formed part of the report presented June 4, and are in the writing of Gouverneur Morris. In the margin is noted "Recommitted, 4 P. M."

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 349.

the draught of a letter to the several states, which was agreed to as follows:

SIR: Authentic intelligence, received by Congress from many quarters, leave it no longer doubtful in what manner the enemy mean to conduct their plan of conciliation. Under delusive appearances of pacific acts and peacemaking commissioners, already their military reinforcements begin to arrive, and already they have commenced the campaign, in many places, with acts of cruelty and devastation. Indian irruptions, and burning houses, in the moment of dispersing propositions for peace, evince the insidious designs of the enemy, and demonstrate the necessity of wisdom in council, of strength and vigour in the field.

The former may be employed to distress the enemy greatly, by withholding from them the provisions of America, and the latter by quickly collecting powerful armies to take advantage of their present weakness.

In duty, therefore, to their constituents, Congress earnestly call upon you, sir, and your State, to adopt the most effectual and vigorous measures for speedily reinforcing the continental army with your quota of troops.

The present moment unimproved, may be productive of most pernicious consequences, and the public safety demands strong and united efforts. Experience hath shewn that the marine force of our enemies enables them to secure for the support of their armies almost the whole of our exported provisions; and therefore Congress, impressed with the necessity of preventing the supplies derived to our foes from this source, and desirous of supplying the armies of the United States, have, upon mature deliberation, laid an embargo upon provisions of all kinds, and they earnestly request the vigorous exercise of the powers of your State to carry into effectual execution this most necessary measure.

That what relates to the reinforcing the continental army be left out in the letters to North Carolina, South Carolina, and Georgia; and that, in the letters to Maryland, Virginia, and North Carolina, the following clause be added:

The urgent necessity for the provisions with which your State is to furnish the army, induces Congress to press upon you, sir, immediate



and constant attention to this important business, and the present absence of the enemy's ships from the bay of Chesapeake may be improved by seizing the opportunity of water conveyance to the Head of Elk.

The committee to whom were referred the letter from Caron de Beaumarchais, to the Committee of Commerce, and the letter from Mr. Chevallie to Congress, brought in a report; Whereupon,

*Resolved*, That Governor Henry be requested to purchase, for the United States, the articles contained in the list hereto annexed, being part of the cargo of the French ship *le Fier Roderique*, as cheap as he can, not exceeding the price following, to wit. £450 Virginia money for every one hundred pounds sterling, to be paid in tobacco, at ten dollars per hundred, and that a letter be written to his excellency, explaining the principles of such limitation:

*List of Articles.*

Leaden bullets of different size; men's silk and woollen stockings; woollen caps; the different kinds of buckles; uniform buttons for officers and soldiers; sleeve buttons; red cadis for the lining of uniform; coarse and fine shirts; woollen blankets; soldiers' hats; cloths fine, for officers; ditto coarse for soldiers; and light ditto for soldiers; brass ink-stands; white flannel, sewing thread; linen spatterdashes for soldiers; soldiers' cloathing ready made; an assortment of handkerchiefs; gun powder; wristbands for shirts; flints; serget of different colors, viz. scarlet, sky-blue; brown and white, for linings; an assortment of sewing silks; men's shoes, soldiers' knapsacks; an assortment of brown and white linens; white Malaga in cases; red Burgundy in cases, 12 groce; claret in casks, 20 casks; white wine vinegar.

A letter, of this day, from Colonel Morgan, was read:

*Ordered*, That it be referred to the Committee for Indian Affairs.

A petition from William Cochran, of Cumberland county, and Thomas Swaine, of the same place, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.  
Adjourned to 10 o'Clock to Morrow.

THURSDAY, JUNE 11, 1778

A letter, of the 9, from General Washington, enclosing a letter of the 9th, to him, from General H. Clinton, informing, that the Earl of Carlisle, Mr. Eden, and Governor Johnstone, three of the commissioners for restoring peace between Great Britain and America, are arrived at Philadelphia, and requesting a passport for Dr. Ferguson, their secretary, with a letter from them to Congress, together with a copy of General Washington's answer thereto, were read:

*Ordered*, That the same be referred to the committee on the letter of the 7th, from General Washington.

A letter, of 22 January, from W. Lee, at Paris, was read:

*Ordered*, That it be referred to the Committee on Foreign Affairs.

A letter, of 31 May, from General Sullivan, enclosing a resolution passed the 30th of the said month, by the assembly of Rhode Island, &c. was read:<sup>2</sup>

*Ordered*, That so much of the said letter as relates to the enemy's attempt on Tiverton, be published, and that the letter with the enclosed resolution, be referred to the Board of War.

<sup>1</sup> This petition, dated June 1, is in the *Papers of the Continental Congress*, No. 42, II, folio 40.

<sup>2</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 87; that of Clinton is on folio 91; Washington's reply is on folio 93; that of Sullivan is in No. 180, folio 129, and the resolution is on folio 133. The letter of Lee is printed in Wharton, II, p. 476.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 200,000 dollars be advanced to Ephraim Blaine, deputy commissary general of purchases, and at his desire, paid to James White, in consequence of a letter of credit of William Buchanan, late commissary general of purchases, who is to be accountable.<sup>1</sup>

The Board of War report, that Major Thomas Mullens, late an aid de camp to Major General Conway, is an old officer in the French service; that he served the last campaign in the main army, and for his bravery and good conduct, at the battles of Brandywine and Germantown, was honored with particular marks of approbation by the commander in chief, in general orders; that he means to accompany General Conway to France, but has not the means of defraying his expences thither; Whereupon,

*Resolved*, That Major Thomas Mullens, who served with honour the last campaign, have a brevet commission of lieutenant colonel in the armies of the United States.

*Ordered*, That so much of the said report as relates to an advance for Lieutenant Colonel Mullen's expences to France, be referred to the Board of Treasury.

Colonel Spencer, commanding the brigade late Brigadier Conway's, having recommended the Rev. William Rogers to be chaplain to that brigade, Congress proceeded to an election, and, the ballots being taken, the Rev. Mr. William Rogers was elected chaplain to the brigade late commanded by Brigadier Conway.<sup>2</sup>

*Ordered*, That the application of Mr. Rogers, for pay, as brigade chaplain, from July last, be referred to the committee at camp.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 353.

<sup>2</sup> A memorial from the officers of late Conway's brigade, dated March 21, 1778, and asking for the appointment of Rogers is in the *Papers of the Continental Congress*, No. 78, XIX, folio 231. A letter of Rogers, dated June 11, is on folio 237.

The Board of War, to whom were referred the letters from the late commissioners at Fort Pitt, dated 27 April, the letters from the commissioners of Indian affairs, convened at Albany the 15 April, and sundry letters from Major General Schuyler, relative to the temper and disposition of the Six Nations, report,

That from the information contained in the above papers, and from other information received through a variety of channels, it appears that the cruelties lately exercised by the savages on the frontiers of New York, Pennsylvania and Virginia, are the commencement of an Indian war, which threatens, with extensive devastation, the frontiers of these United States:

That the nations concerned in carrying on the same, are the Senecas, Cayugas, Mingoes, and Wiandots in general, a majority of the Onondagas, and a few of the Ottawas, Chippawas, Shawanese, and Delawares, acting contrary to the voice of their nations, amounting, in the whole, to about 1,600 warriors, exclusive of several Tories and other emissaries from the posts occupied by the enemy in the Indian country:

That from the presence of Mr. Butler and Mr. Magee, two of the British agents for Indian affairs, amongst the Indians, and from a variety of other circumstances, it appears incontestibly that this cruel war has been industriously instigated, and is still prosecuting with unrelenting perseverance, by principal officers in the service of the king of Great Britain, particularly by Colonel Hamilton, commanding officer of the garrison of Detroit:

That the frequent attempts which have been made to conciliate the minds of the hostile tribes, and even the threats which have been made use of by the commissioners convened at Albany in April last, have produced no good effect; but, on the contrary, have confirmed the

savages in an opinion industriously inculcated on them by the enemy, that the forbearance of these states proceeds from their inability to revenge the outrages committed against them:

That the Delawares, Oneidas, Tuscaroras, and other friendly Indians, are collecting themselves in bodies, in order to guard against the impending storm; and call loudly for assistance against enemies, whom they have rendered implacable by a warm and steady attachment to the cause of these states:

That from the papers referred to the Board, it appears to be the design of the enemy to take post this year at Oswego ~~with a view, probably, of prosecuting the plan commenced by the French in the year 1752.~~

That from the account given by Captain White Eyes, a Delaware chief, to the commissioners of Indian affairs lately convened at Fort Pitt, the fortress of Detroit was, during the last winter, in the same defenceless situation it has been in for some years past:

These circumstances, collected from the various papers referred to them, the Board have deemed it expedient to recapitulate, and after an attentive consideration, concur in opinion with the commissioners lately convened at Fort Pitt and at Albany, that a defensive war would not only prove an inadequate security against the inroads of the Indians, but would, in a short time, be much more expensive than a vigorous attempt to compel them to sue for peace: Whereupon,

*Resolved*, That an expedition be immediately undertaken, whose object shall be, to reduce, if practicable, the garrison of Detroit, and to compel to terms of peace such of the Indian nations now in arms against these states as lie on, or contiguous to, the route betwixt Fort Pitt and Detroit:

That three thousand men be engaged in the service of these states, for the purpose above mentioned :

That Patrick Lockhart, Esq<sup>r</sup> be appointed to procure provisions, pack-horses, and other necessaries for the army destined for the above mentioned operations :

That the governor and council of the State of Virginia be requested, on the application of the Board of War, or of Brigadier M'Intosh, to call forth such a body of their militia, (not exceeding 2,500 men,) as shall be judged necessary to complete the number of men appropriated for this service :

That the sum of nine hundred and thirty two thousand seven hundred and forty three and one third dollars be advanced from the treasury, to the order of the Board of War, to be by them applied towards the defraying the expences of the expedition above mentioned :

That the Board of War be directed to co-operate with Brigadier M'Intosh in every measure necessary for executing the intention of Congress; and to give such instructions to Brigadier M'Intosh and to the principal officers employed on this service, as shall, to them, appear best adapted to answer the end of this expedition.

And, whereas, the success of the expedition against Detroit may be facilitated, and the hostile tribes of Indians sooner reduced to terms of peace, by another expedition from the Mohawk river to the Seneca country, in order to chastise that insolent and revengeful nation, and to dispossess the enemy from Oswego, should they have taken possession of that post; therefore,

*Resolved*, That Major General Gates, or the officer commanding the troops on the east side of Hudson's river, and in the northern department, be directed to take the most expeditious measures for carrying the war into the Senecas' country, in order to reduce to terms of peace,

such of the Six Nations as are hostile, and to dispossess the enemy from Oswego in case they should have taken possession of that post:

That the commissioners of Indian affairs in the northern department, or any of them who may be at Albany, be directed to co-operate with Major General Gates and the officer appointed to command on this expedition, in the execution of this measure:

That the Board of War give notice, from time to time, to Major General Gates and the officer commanding the expedition against the Senecas, of the progress of the preparations making at Fort Pitt, and of the time when the troops from that quarter will set out on their march, in order that the two armies may, as far as is practicable, act in concert:

As the success of all Military Operations depends as much on the Character of the Officers employed in conducting them, as it does on the Troops engaged for their Execution, the Board with great Deference, submit to the Consideration of Congress, whether it might not be proper to appoint Major Gen<sup>l</sup> Mifflin, and Brig<sup>d</sup> Gen<sup>l</sup> Stark, the principal Officers to conduct the last proposed Expedition and for this purpose,

That Major General Mifflin be ordered forthwith to repair to Fish Kill, in the State of New York, there to follow such Orders as he shall receive from Major General Gates.

That Major General Gates be directed to appoint [a] suitable officer to conduct the expedition into the Seneca country.<sup>1</sup>

The Board subjoin for the Information of Congress an Estimate of the Expence attending the proposed Expedition to the Westward, from a Comparison of which with the Defensive Plan of Operations in that Quarter *only*, it will appear that the present additional Expence will be about £97,990 equal to Dollars 261,306—a Sum inferior to what will be saved even in the next succeeding Year in the Defence of the Frontiers of Virginia and Pennsylvania, should the proposed

<sup>1</sup> This was a substitute for the preceding paragraph.

Operations succeed; but should offensive Operations not be adopted it will be found necessary this Campaign to encrease and strengthen the Posts on the western Frontiers; A Measure which would cost infinitely more even at present than an Offensive War.<sup>1</sup>

The committee to whom was referred the claim of Joseph Carson for a number of leather breeches furnished the army, brought in a report: Whereupon,

*Resolved*, That the said Joseph Carson be allowed the sum of sixteen dollars for each pair of leather breeches with which he furnished the army; and that the cloathier general do settle and adjust the accounts of the said Joseph Carson, and pay him what shall appear to be due agreeable to the above estimate.<sup>2</sup>

A motion was made, that General Washington be directed to order an enquiry to be made into the conduct of Major General Mifflin, late quarter master general, and the other officers who acted under him in that department; and if it shall appear that the extraordinary deficiencies thereof, and the consequent distresses of the army, were chargeable to the misconduct of the said quarter master general or any of the said officers, that a court martial be forthwith held on the delinquents:

On a motion, that the consideration thereof be postponed; Mr. [Elbridge] Gerry required the yeas and nays;

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Bartlett,	ay	} ay	Mr. Ellery,	ay	} div.
Wentworth,	ay		Marchant,	no	
<i>Massachusetts Bay,</i>			<i>Connecticut,</i>		
Mr. S. Adams,	ay	} ay	Mr. Sherman,	ay	} ay
Gerry,	no		Huntington,	ay	
Dana,	ay		Wolcott,	no	
Lovell,	ay				

<sup>1</sup> This report, dated June 10, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 147, II, folio 81.

<sup>2</sup> This report, in the writing of John Banister, is in the *Papers of the Continental Congress*, No. 19, I, folio 545.



<i>New York,</i>			<i>Virginia,</i>		
Mr. Lewis,	no	} no	Mr. R. H. Lee,	ay	} no
G. Morris,	no		Banister,	no	
<i>New Jersey,</i>			T. Adams,	no	
Mr. Witherspoon,	ay	} div.	<i>South Carolina,</i>		
Elmer,	no		Mr. Laurens,	no	} no
<i>Pennsylvania,</i>			Drayton,	no	
Mr. Roberdeau,	no	} no	Mathews,	no	
<i>Delaware,</i>			Hutson,	no	
Mr. M'Kean,	no	} no	Heyward,	ay	
<i>Maryland,</i>			<i>Georgia,</i>		
Mr. Carroll,	no	} no	Mr. Langworthy,	no	} no
Plater,	no				

So it passed in the negative.

A motion was then made, and agreed, to strike out the word "forthwith;"

On the question that the motion as amended pass into a resolution, resolved in the affirmative.

A petition [from] sundry inhabitants of the town of York, in behalf of a certain John King, who is under sentence of death for desertion, was read;<sup>1</sup>

*Ordered,* That the execution of the said John King be suspended to Tuesday next.

Adjourned to 10 o'Clock to Morrow.

#### FRIDAY, JUNE 12, 1778

A petition from Colonel David Kennedy was read:

*Ordered,* That it be referred to the Board of War.

Congress being informed that Mr. P[hilip] Livingston, one of the delegates from New York, died last night, and that circumstances require his corpse should be interred this evening:

<sup>1</sup> This petition, dated June 11, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 463.

*Resolved*, That Congress will, in a body, attend the funeral of Mr. Livingston this evening, at six o'clock, with a crape round the arm, and will continue in mourning for the space of one month.

*Ordered*, That Mr. [Francis] Lewis, Mr. [William] Duer, and Mr. G[ouverneur] Morris, be a committee to superintend the funeral, and that the Rev. Mr. Duffield, the present chaplain of Congress, be notified to officiate on the occasion.

The committee to whom was referred the letter of the 9, from General Washington, with the papers enclosed, brought in a report, which was taken into consideration, and, after debate,

*Resolved*, That the consideration thereof be postponed.

The committee appointed to examine the evidence collected, and state charges against the general officers who were in the northern department, when Ticonderoga and Mount Independence were evacuated, brought in a report, which was read:

The committee appointed to examine the evidence collected, and state charges against the General Officers who were in the Northern Department, when Tyconderoga and Mount Independance were evacuated:

~~Report, That having selected the material evidence in behalf of the public against Major~~ examined the papers to them Committed relative to the subject in question, they find,

That on or about the 13th Day of June, 1777, Major Gen<sup>l</sup> S<sup>t</sup> Clair, took upon him the command at Tyconderoga and Mount Independance, and that those posts, were, by his orders, evacuated to the enemy, on the sixth day July following.

That by Deputy Commissary Avery's return of provisions at Tyconderoga, on the 25 of May, 1777, there were at that post, 1,400 barrels of flour, and 661 barrels of beef, which he stated as sufficient provision in flour, for 4,000 men during 66 days, and in beef for 75 days.

That by Deputy Commissary Jancey's return of provisions, remaining on hand at Tyconderoga, the 20th of June, 1777, there were 2,015

barrels of flour, 195 barrels of beef, 784 Barrels of pork, and 48 barrels of hard bread, besides pease, Indian Meal, sugar, coffee, chocolate, Molasses, wine, rum, salt, candles and hogs lard.

That on or about the 5 of July, 1777, as by Jesse Leavenworth's affidavit, a considerable number of fat cattle arrived at Tyconderoga.

That by the general return of the troops on the 14 of June, 1777, present at Tyconderoga, and on command and which we suppose to be in the *environs*, there were,

Commissioned officers .....	273
Staff .....	45
Non Commissioned .....	398
Rank and file .....	3,346
Commissioned officers of Artillery .....	23
Staff .....	4
Non Commissioned .....	80
Matrosses .....	117
	<hr/>
	4,286
Sick .....	517
	<hr/>
Total effectives, including officers .....	3,769

That by the general return of troops on the 28<sup>th</sup> June, 1777, present at Tyconderoga and on command and which we suppose to be in the *environs*, there were,

Commissioned officers .....	284
Staff .....	50
Non Commissioned .....	413
Rank and file .....	3,559
Commissioned officers of Artillery .....	32
Staff .....	2
Non Commissioned .....	99
Matrosses .....	300
	<hr/>
	4,739
Sick .....	556
	<hr/>
Total effectives, including officers .....	4,183

That General S<sup>t</sup> Clair informed the Council of War held on the 5 July, 1777, that 900 militia had joined him. That Jesse Leavenworth swears they were of the Grants and Gen<sup>l</sup> S<sup>t</sup> Clair in his letter to Con-

gress July 14 says, they joined on the 5. That the whole force in Tyconderoga, on the 5 of July 1777, was 5,639 men and officers, of which a number not exceeding 639 could be considered as sick.

That on the 13 of June, 1777, General St. Clair wrote to General Schuyler, the Commanding officer in the Department that two men from Canada taken prisoners, informed him that the British Army in Canada, were assembling to the amount of about 10,000 men, as fast as possible to cross the lake, and attack Tyconderoga, and that he might depend upon it, their fleet would appear in a fortnight at farthest.

That on the 18 of June, General S<sup>t</sup> Clair wrote to General Schuyler, that four of the enemy's vessels, were lying within a mile of the hither side of Split Rock; that on the day before, the enemy's Indians, had taken two prisoners, who had strolled from his camp unarmed, and that he thought the enemies main army was not far off.

That on the 24 of June, General S<sup>t</sup> Clair wrote to General Schuyler, that the evening before, he had received information from a scouting party, the enemy were encamped on both sides Gillilands creek, and that they were very numerous.

That on the 25 of June, General S<sup>t</sup> Clair wrote to Congress that he was not able to discover whether the enemy were in force or not. That 7 of their vessels arrived at Crown Point the preceding evening, and that others of their fleet were 4 or 5 miles lower down. That on the 30<sup>th</sup> of June, General S<sup>t</sup> Clair wrote to General Schuyler, that the enemy having advanced to the 3 mile point, the Alarm was given, that his people were in the best disposition possible, and that he had no doubt of giving a good account of the enemy, should they think proper to attack him. That it does not appear the enemy did attack General S<sup>t</sup> Clair, yet nevertheless on the 5 of July he called a Council of War, and desired their opinion whether he should wait the attack at the Tyconderoga lines, or whether the whole of the troops should be drawn over to Mount Independance, the more effectually to provide for the defence of that Post. Whereupon the Council were unanimously of opinion that it was impossible with their force (then stated by General S<sup>t</sup> Clair to be 2,089 rank and file besides the corps of artillery, 900 militia, and 124 artificers unarmed) to defend Tyconderoga and Mount Independance, and that the troops, cannon and stores, should be removed that night if possible to Mount Independance. That the General also put another question, whether after a retreat to Mount Independance, they should be in a situation to defend that Post, or in case it could not be defended, whether a retreat into the country

would be practicable. Upon these points the Council unanimously concluded, that a retreat ought to be undertaken as soon as possible, and that they should be very fortunate if it could be effected. And in pursuance of this determination Tyconderoga and Mount Independance were abandoned between two and 3 O'clock in the morning of the 6<sup>th</sup> of July, 1777; Gen<sup>l</sup> S<sup>t</sup> Clair having as appears by Jesse Leavenworths affidavit, eight days before sent his son and baggage from Tyconderoga to Fort George.

That the sick at Tyconderoga, and the public stores, of ammunition, cannon, Provisions and Cloathing, were left behind or lost upon the precipitate retreat of the sixth of July.

That on the 20 of June 1777 a Council of War was held at Tyconderoga, Generals Schuyler and S<sup>t</sup> Clair being present; wherein it was determined, that Tyconderoga and Mount Independance ought to be maintained as long as possible, consistent with the safety of the troops and stores. That if either of those posts must be evacuated, the former should be evacuated. That the fortifications and lines on Mount Independance were very deficient, and that the repairing the old and adding new works, ought to claim immediate attention.

That by Jesse Leavenworth's affidavit, it appears that there was not a stroke struck to fortify Mount Independance. That no parties were sent to annoy the enemy, though the troops were healthy courageous and desirous to improve every advantage against them.

That by the determination of the Council of War on the 5 of July it appears, the enemy, had then nothing more to do, to compleat their investiture of the Tyconderoga and Mount Independance, than to occupy the neck of land, a space of three quarters of a mile, between the lake and the east creek, and to possess themselves of the narrows between them and Skeensborough.

That by General S<sup>t</sup>. Clair's orderly book it appears, that on the 15 of June, orders were issued for the following guards.

	O	Sub.	Serj.	D. & F Corp.	Priv.
Main guard . . . . .	1	2	2	2	42
Jersey redoubt . . . . .		1	1	2	30
French line do. . . . .		1	1	2	30
Head Quarters . . . . .			1	2	18
Quarter Master . . . . .				1	8
<b>Total . . . . .</b>	<b>1</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>128</b>

A picket guard of one Captain, 3 subalterns, 3 Serjeants, 3 Corporals and 50 Privates, posted to the right of the French lines.

For fatigue, 3 Captains, 10 Subalterns, 10 Serjeants, five Drums and Fifes, 326 rank and file, the whole to continue till farther orders. Total privates for guards 178, for fatigue 326.

That on the 23<sup>d</sup> of June, the abovementioned guards were reduced from 178 to 95 men. The fatigue party from 326 to 250 men, and 78 privates under proper officers were ordered for the detail of guards at Mount Independence: all to continue till further orders.

That the 26<sup>th</sup> of June was the First Day, the troops were drawn up at their alarm posts, ordered to discharge their loaded pieces, and to clean them. And it was but on this day that a signal was given in orders, in case of an attack at the French lines or at Mount Independence.

That on the 29 of June it was ordered that a scout consisting of a subaltern, a Serjeant, and 20 Privates should be sent out every morning, one hour before gun fire, the fatigue party being then increased to 310 Privates; the other guards continuing as before, 178 Privates, without any addition till the evacuation of the posts.

Upon which state of evidence, your committee in order to ground their charges against Major General S<sup>t</sup> Clair, beg leave to remark:

1. That on the 18 of June, General S<sup>t</sup> Clair was possessed of an information, from two Prisoners taken in Canada, that the British forces, amounting to about 10,000 men, were proceeding as fast as possible against him, and that he might expect their arrival in three weeks at farthest. That as on the 18 of June, 4 of the enemy's vessels were lying on the hither side of Split Rock, and on the 24<sup>th</sup> seven of them were at Crown Point, and others four or five miles lower down; their forces then encamped on both sides Gillilands creek, he was informed by his scouts, that they were very numerous: so from these circumstances it appears General S<sup>t</sup> Clair had substantial reason, to confide in what the prisoners had told him relative to the intentions and strength of the enemy and that he ought at this time to have taken his final resolution, either to stand an attack, or to retreat with his stores, the preservation of which, was a principal object in the determination of the Council of War on the 20<sup>th</sup>. Therefore it appears, that General S<sup>t</sup> Clair's neglecting to form his decisive opinion at this time, or at a later day, so as to allow him a sufficient opportunity to retreat with his troops, sick, ammunition, cannon, provisions and

clothing, and to deprive the enemy of shelter at Tyconderoga was a neglect of duty.

2. ~~That it appears, Genl. St. Clair placed no confidence in his scouts; that it was his duty to have sent scouts in whom he could confide, and that a neglect to do so, was a neglect of duty~~ [That Genl St Clair on the 24 of June was informed by his scouts, the enemy were very numerous, and yet nevertheless, on the next day he wrote to Congress that he was not able to discover whether the enemy were in force or not.]

3. That if General St Clair found small scouts could not acquire a knowledge, whether the enemy were in force or not, it was his duty in due time to have sent out reconnoitring parties in such force, as might have assured him, whether or not the enemy were in strength, this being a most important point, as upon this he was to regulate his motions, and therefore his failure in sending out such parties in due time, was a neglect of duty.

4. That as Jesse Leavenworth swears, General St Clair did not annoy the enemy in their advance against, and investiture of the posts under his care, altho' the troops were healthy, courageous, and desirous of action, it appears the general did not to the utmost of his power oppose the operations of the enemy, and therefore, that he is liable to the charge of neglect of duty, of cowardice, or of treachery, or of incapacity as a General.

5. That as it was determined in the council of war on the 20<sup>th</sup> of June, approved by General Schuyler, the Commanding officer in the Department, that the repairing the old, and adding new works on Mount Independance, ought to claim immediate attention, and Jesse Leavenworth swears not a stroke was struck for those purposes, and by the orderly book it appears the fatigue party was decreased in number and continued so, and at a time, when it should have been abundantly increased, so on these points the General is liable to be charged with a neglect of duty amounting to a breach of orders; and with treachery.

That it appears incredible that General St. Clair did not, when the enemy on the 30 of June, were advanced so near him as the three mile point, know that they were in force. That it was his duty by this time at latest to have determined whether to wait the enemy; or to retire, and to have lost no time in proceeding accordingly: that therefore by deferring his decision respecting the public as he did, for he had 8 days before taken his resolution respecting his private property, then remov-

ing it to a place of safety, till the last moment when he could possibly retreat; a moment in which he could not preserve his sick, his ammunition, cannon, provisions and cloathing, he appears chargeable with inattention to the progress of the enemy, with treachery, or with incapacity as a General; and with shamefully abandoning the Posts in his charge.

6. That as on the 25 of May, the Deputy Commissary rated that 1,400 Barrels of flour, would at an allowance of one pound each man per diem serve 4,000 men 66 days, and that 661 Barrels of beef would serve the same number of men 75 days: and supposing that from the 20<sup>th</sup> of June to 4 of July inclusive, there were in Tyconderoga and Mount Independence 4,739 men, and there does not appear to have been at any time between those periods a greater number, so estimating the consumption of 4,739 men, from the 20<sup>th</sup> of June to the 4 of July inclusive upon the 2,015 barrels of flour, 195 barrels of beef and 784 Barrels of pork, on the 20<sup>th</sup> of June returned by Deputy Commissary Jancey, as then actually remaining on hand: there did on the 4 July remain, or ought, if provisions had been regularly and properly issued, to be then remaining, 1,625 barrels of flour, 3 barrels of beef and 784 barrels of pork: a magazine of provisions, sufficient to afford to the army, on the 5 of July amounting, by the arrival of the militia of the grants to 5,639 men of all ranks, *full allowance* of provision, in flour for 52 days, and in beef and pork for 32 days, exclusive of the considerable number of fat cattle, that arrived at Tyconderoga on the 5 of July: the teams of oxen necessarily attending the post, and other stores specified in the Commissary's return on 20 of June, and even supposing, as may not reasonably be done, that no supply of flour had arrived after that day. And as this calculation has been liberally made, upon the quantity of provisions actually in Tyconderoga on the 20<sup>th</sup> of June, for the expenditure of which, General S<sup>t</sup> Clair as Commander at the post ought to be held responsible, and as ~~by General Burgoyne's return, dated ——— to Lord George Germain, of the provisions he found at Tyconderoga, when upon the evacuation by the American troops he took possession of the post, there actually ———~~ therefore it clearly appears, Tyconderoga and Mount Independence, were not abandoned upon a just principle of a want of provisions.

7. That as General S<sup>t</sup> Clair informed the Honorable M<sup>t</sup> Jay that at the time of holding Council of War, on the 5 of July he knew it to be impossible to defend the posts with his numbers, it is natural to con-



clude, he was decided upon this point as early as the 29<sup>th</sup> of June; the day that he sent his son and private effects from Tyconderoga to Fort George as a place of safety. That being decided upon this point, it was his duty then to have taken as effectual measures for the preservation of the public property, at least equally with his own, claiming his earliest attention; that on the 30<sup>th</sup> of June the enemy being advanced against him so near, as the Three Mile Point, it is incredible that he did not then know, that they were in force. That it was his duty *at that point of time* to have finally determined, either to abide the operations of the enemy, or to retire. That if the last resolution was taken, and from his sending off his son and baggage the day before, there is the strongest presumption, that this resolution was *then* fully taken, it was his duty then to have proceeded to send off the public stores; to destroy the works; and to evacuate the posts without losing a moment of time. And that by deferring to take any measures to retire till the last moment when he could possibly retreat even with his effective troops—a moment when the sick, ammunition, cannon, provision and clothing of the army must be abandoned and lost, besides the lives of many men in effecting a retreat from before an enemy immediately upon him: General S<sup>t</sup> Clair appears chargeable with inattention to the progress of the enemy—with treachery, or with incapacity as a general, and with shamefully abandoning the posts of Tyconderoga and Mount Independence, in his charge. Nor can the proving, as General S<sup>t</sup> Clair wishes to do, that the works of Tyconderoga and Mount Independence were too extensive, and that the troops were very badly armed, if such things can be proved, fail of placing General S<sup>t</sup> Clair in a more reprehensible point of view, as the weakness of his defence being more obvious, his retreat should have been the earlier determined upon, and made.

Your Committee having thus stated the points principally resulting from the evidence collected against General S<sup>t</sup> Clair, recommend, that a general Court Martial be ordered to sit for the trial of Major General S<sup>t</sup> Clair, for the loss of Tyconderoga and Mount Independence, with the public stores. And that he be charged,

1<sup>st</sup> With neglect of duty under the 5 Article of the 18<sup>th</sup> Section of the Rules and Articles of War. And that the charge be founded, upon the first, third, fourth, and fifth remarks, respectively.

2<sup>d</sup> With cowardice, with treachery, with incapacity as a general, respectively: under the 5 Article of the 18<sup>th</sup> Section of the rules and articles of War. And that the charge be founded upon the fourth remark.

3. With treachery; under the 5 Article of the 18<sup>th</sup> Section of the rules and articles of War. And that the charge be founded, upon the 5<sup>th</sup> remark.

4. With inattention to the progress of the enemy; with treachery, with incapacity as a general respectively: under the 5 article of the 18<sup>th</sup> Section of the Rules and Articles of war, and that the charge be founded upon the seventh remark.

5. With shamefully abandoning the posts of Tyconderoga and Mount Independance, in his charge: under the 12 article of the 18 Section of the Rules and articles of war, and that the charge be founded, upon the seventh remark.

Finally upon the case of Major General S<sup>t</sup> Clair your Committee recommend that authenticated copies of the returns, letters, and determinations of Courts Martial, referred to, be transmitted to the Judge Advocate General; that Elisha Avery, James Jancey, Richard Varick, Jesse Leavenworth, and the Colonels Commanding the 2 battalions of Massachusetts militia, whose time of service was nearly expired, at the evacuation of Ticonderoga be summoned to give evidence at the trial of Major General S<sup>t</sup> Clair; and that he be furnished with a copy of the remarks and charges against him.<sup>1</sup>

Your Committee beg leave further to Report, that Major General Schuyler having been appointed to Command the Northern Department (including Albany, Ticonderoga, Fort Stanwix and their dependencies) he was by Congress on the 22<sup>d</sup> of May, 1777, released from all restraint, respecting the establishment of his Head Quarters.

That by letters to him from General S<sup>t</sup> Clair, Commanding Officer at Ticonderoga, dated the 13<sup>th</sup>, 18<sup>th</sup>, 24<sup>th</sup>, 25, 26, 28, and 30<sup>th</sup> of June, and 1<sup>st</sup> of July, 1777, he was informed of the designs, strength and advances of the enemy against Ticonderoga; and of the great danger in which that post and Mount Independance would be, in case of an attack.

That it appears in consequence of the letters of the 13<sup>th</sup> and 18<sup>th</sup> of June, he went to Tyconderoga; for on the 20<sup>th</sup> he there held a Council of War. That altho' in this Council of War it was determined, that the effective rank and file, were greatly inadequate to the defence of Ticonderoga and Mount Independance, but that nevertheless both posts ought to be maintained, as long as possible, consistent with the safety of the troops and stores, and that the fortifications and lines on Mount Independance, were very deficient, and that the repairs and

<sup>1</sup>Another copy of this report, ending with this paragraph, on St. Clair is on folio 288.

additions to them ought to claim immediate attention, yet General Schuyler made no stay at Ticonderoga, to expedite the works on Mount Independance, and to cause a retreat to be made, when it became no longer possible to maintain the posts, consistent with the safety of the troops and stores; for his absence appears, from General St. Clair's letter to him on 24 of June, and those that followed.

That Ticonderoga and Mount Independance, being the posts of greatest defence to the United States, against the advance of the British forces from Canada; and the main army of the Northern Department being stationed at those posts, it was General Schuyler's duty, to have been at the Head of that Army, and to have remained there when he knew the enemy were actually advanced against it: that his forces were greatly inadequate to the defence of the posts, and that they were to be abandoned in the moment, when it should become no longer possible, to maintain them consistent with the safety of the troops and stores: a moment of which it was necessary the first officer in the Department should judge.

That in the absence of General Schuyler, this critical and important moment passed unobserved, or unimproved; for on the 6<sup>th</sup> Day of July the posts were abandoned, with the loss of the sick, ammunition, cannon provisions and cloathing of the Army, and the loss of many lives in the retreat.

Wherefore your Committee recommend that a General Court Martial be ordered to sit for the trial of Major General Schuyler, and that he be charged:

With neglect of duty in not being present at Ticonderoga to discharge the functions of his command from the middle of June, 1777, until it was no longer possible to maintain Ticonderoga and Mount Independance, consistent with the safety of the troops and stores, when he should have caused a retreat to be made for the preservation of both: Under the 5 Article of the 18 Section of the rules and articles of War.

Lastly, upon this case, your Committee recommend that authenticated copies of the letters and determinations of the Court Martial referred to, be transmitted to the Judge Advocate General, and that Major General Schuyler be furnished with a copy of the charge against him.

~~Your Committee not having any charge against any others of the general officers, who were in the Northern Department, when Tycon-~~

~~deroga and Mount Independence were evacuated, recommend that they be released from their arrests.~~

~~See to procure a copy of St. Clair's letter to Congress, July 14, 1777.~~

Also his letter to John Jay, of the 25<sup>th</sup> July, 1777. It is in Dunlap's General Advertiser, August 5, 1777.

Also Burgoyne's return of provisions taken at Ticonderoga.

That General St. Clair, in his letter to the Honorable John Jay dated July 25, 1777, writing of the evacuation of Tyconderoga and Mount Independence, says, that had the opinion of the Council been contrary to what it was, it (meaning the evacuation) would nevertheless have taken place, as he knew it to be impossible to defend the posts with their numbers.<sup>1</sup>

*Ordered*, To lie on the table,  
Adjourned to 10 o'Clock to Morrow.

SATURDAY, JUNE 13, 1778

A letter, of this day, from Captain Robert Smith, lately appointed secretary to the Board of War and Ordnance, was read, requesting to be informed whether the appointment is considered as inconsistent with that which he at present holds in the army, and if it is, expressing a desire to continue in the line, in which he has for some time been engaged;<sup>2</sup> Whereupon,

*Resolved*, That he have leave to resign his appointment as secretary of the Board of War and Ordnance, and that the same be accepted.

*Ordered*, That Tuesday next be assigned for electing a secretary to the Board of War and Ordnance.

A letter, of 8, from General Greene, Q. M. G., was read:

*Ordered*, That it be referred to a committee of three: The members chosen, Mr. [Roger] Sherman, Mr. [John] Witherspoon, and Mr. R[ichard] H[enry] Lee.

<sup>1</sup> This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 29, folio 271.

<sup>2</sup> This letter is the *Papers of the Continental Congress*, No. 78, XX, folio 223.

A letter of this day, From Captain John M'Pherson, was read:

*Ordered*, That it be referred to the Marine Committee.

A paper from Monsr. de Francy was laid before Congress:

*Ordered*, That it be referred to the Committee of Commerce.

The Board of War, to whom were referred the letters and papers relative to M. du Cambray, having reported specially thereon, Congress took into consideration the report and, thereupon,

*AT A BOARD OF WAR, the 15<sup>th</sup> June, 1778*

The Board of War to whom were referred sundry Papers relative to Mons. du Cambray, who arrived in North Carolina on board of Capt. Cottineau's Ship, with a view of offering his Service to these States, beg leave to report to Congress,

That it appears by Mons. du Cambray's Commission which he has laid before this board, that he has been a Captain of Artillery in the Polish Service since the 21<sup>st</sup> August, 1776.

That Mons. du Cambray has been strongly recommended to Doctor Franklin by the Duke de Rochefoucault (a great Judge of military merit) and by several other persons of distinction in France, as an Officer well versed in Artillery and Engineering, on which account, Doctor Franklin in a Letter to Gen<sup>l</sup> Washington dated Sept: 10<sup>th</sup>, 1777, expresses his hopes, "that the American Service will be rendered agreeable to him."

That since Mons. du Cambray's arrival in North Carolina, he has employed himself in erecting a fortress at Cape Lookout, with great diligence and fatigue for the space of more than two months, which Fortress (with a very small alteration pointed out to the Board by Mons. du Cambray) will in their opinion effectually command the Entrance of that very important Harbour.

That Mons. du Cambray has declined asking any pecuniary Gratification for the service, he has hereby rendered to the United States.

That in consequence of the services rendered by Mons. du Cambray the Assembly of the State of North Carolina by their resolutions of the 30 April, Resolved, That they entertained a most grateful sense of the disinterested and important services rendered by Mons. du

Cambray, and requested the Government of North Carolina to recommend him to Congress and to Gen<sup>l</sup> Washington, as a person well qualified for the service of these States.

That there is at present a deficiency of skilful Engineers to supply the wants of the Army and the various departments in which such talents are necessary, and that Mons. du Cambray possessing both the talents of an Engineer, and of an Artillerist would, in the opinion of the Board be very usefully employed in accompanying Brig<sup>d</sup> Gen<sup>l</sup> McIntosh on the Western Expedition.

From all which considerations the Board beg leave to recommend to Congress.

*Resolved*, That Mons<sup>r</sup> du Cambray be annexed to the corps of engineers commanded by Brigadier du Portail, with the rank and pay of a lieutenant colonel.<sup>1</sup>

*Resolved*, That the delegates from the states of New Hampshire, Massachusetts bay, and Connecticut, be requested, in the name of this Congress, to write to their respective states, setting forth the urgent necessity of their immediately raising the quota of troops by them respectively agreed on, to be under the command of Major General Sullivan, for the relief of the State of Rhode Island and Providence Plantations, and to prevent further depredations of the enemy in that State.

Congress resumed the consideration of the report of the committee on the letter, of the 9th, from General Washington, with the papers enclosed :

During the debate, an express arrived with a letter of the 11th, from General Washington, which was read;<sup>2</sup> and, a packet, in which was enclosed, together with other papers, a letter signed "Carlisle, William Eden, George Johnstone," dated at Philadelphia, 9 June, 1778, and directed "to his excellency Henry Laurens, the president, and others, the members of Congress;" which letter was read to the words "insidious interposition of a power

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 147, II, folio 93.

<sup>2</sup>This letter is the *Papers of the Continental Congress*, No. 152, VI, folio 101.

which has, from the first settlement of these colonies, been actuated with enmity to us both; and, notwithstanding the pretended date or present form of the French offers," inclusive; whereupon the reading was interrupted, and a motion was made not to proceed farther, because of the offensive language against his most Christian majesty: debates arising thereon,

*Ordered*, That the farther consideration of the motion be postponed.

~~*Ordered*, That the letter and other papers from the commissioners be sealed up.<sup>1</sup>~~

Adjourned to 10 o'Clock on Monday.

MONDAY, JUNE 15, 1778

A letter, of 1, from Benjamin Harrison, deputy pay master general in Virginia, with a copy of his accounts, was laid before Congress:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 5, from William Aylett, deputy commissary general of purchases, was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Francis] Dana, Mr. [Francis] Lewis and Mr. [Richard] Hutson.

A letter, of 26 May, from Governor Henry, of Virginia, to the delegates of that State, was laid before Congress, || and read:<sup>2</sup> ||

*Ordered*, That it be referred to the foregoing committee.

Another letter, from Governor Henry to the delegates of that State, dated 23 May, enclosing a resolution passed by the house of delegates of Virginia, 18 May, was read:<sup>3</sup>

<sup>1</sup>This letter is in the Library of Congress, *United States Revolution*, IV.

<sup>2</sup>The letter of Aylett is in the *Papers of the Continental Congress*, No. 78, I, folio 181; that of Henry, in No. 78, I, folio 189.

<sup>3</sup>This letter and resolution are in the *Papers of the Continental Congress*, No. 71, I, folios 143 and 147.

*Ordered*, That the consideration thereof be postponed,  
A letter, of 25 May, from General Heath, enclosing  
sundry papers, was read.

A letter, of the 10, from General Gates, with sundry  
papers enclosed, was read:

*Ordered*, That it be referred to the Board of War.

A letter from Udney Hay, was read.<sup>1</sup>

The Committee on the Treasury brought in a report;  
Whereupon,

*Ordered*, That 90,000 dollars be advanced to William  
Buchanan, late commissary general of purchases, to be  
by his request paid to Daniel Kellogg, who is to transmit  
the same to Colonel Henry Champion, Esq<sup>r</sup> purchaser of  
cattle for the eastern district; the said William Buchanan  
to be accountable.<sup>2</sup>

The commissioners of claims report, that there is due,  
to the Rev. Monsr. Lotbinier, chaplain, for his salary and  
rations to 10th instant the sum of 53 63/90 dollars:<sup>3</sup>

*Ordered*, That the said account be paid.

The auditor general and commissioners of claims having,  
in consequence of the resolution of the 25 May, reported  
upon the accounts of Dr. Forster,

*Ordered*, That it be referred to the Board of Treasury,  
and that the accounts of Dr. Forster be adjusted agree-  
ably to the said report, when he shall produce vouchers  
shewing the expenditure of the stores by him procured  
and charged in the said account.

A letter, of 1, from F. Hopkinson, enclosing an account  
for compiling indexes to the two ||first|| volumes of the  
journals of Congress, and directed to the committee

<sup>1</sup> The letter of Heath is in the *Papers of the Continental Congress*, No. 157, folio 144;  
and that of Gates, in No. 154, I, folio 418; that of Hay, dated June 9, is in No. 78,  
XI, folio 303.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 359.

<sup>3</sup> This report, which contains the details of the allowance, is in the *Papers of the  
Continental Congress*, No. 136, II, folio 359.



appointed to superintend the publication, was laid before Congress:

*Ordered*, That it be referred to the Board of Treasury.

THREE O'CLOCK, P. M.

Congress resumed the consideration of the motion respecting the letter from the commissioners of the king of Great Britain; after debate,

Adjourned to 10 o'Clock to Morrow.

TUESDAY, JUNE 16, 1778

*Resolved*, That the Board of War be directed to order Colonel Hartley's regiment immediately to repair to camp, and join the army.

*Resolved*, That a committee of three be appointed to prepare a resolution for preventing any correspondence with the enemy:

The members chosen, Mr. [William Henry] Drayton, Mr. Samuel Adams, and Mr. [Richard Henry] Lee.

A letter, of 13, from J. Nourse, secretary of Board of ||War and|| Ordnance, was read:

Referred to the Board of Treasury.

A memorial from Tallemon and others, French captains in the port of Boston, was read, complaining of an affront offered by the captain of the *Warren* frigate to their commandant, and praying redress:

*Ordered*, That it be referred to the Marine Committee, and that they be directed to take order thereon.

A letter, of the 11, from Colonel B. Flower, commissary general of military stores, was read:

*Ordered*, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report: Whereupon,

*Ordered*, That 7,784 60/90 dollars be advanced to the delegates of Virginia, upon their application, for the use of that State, which is to be accountable:<sup>1</sup>

That 750,000 dollars be advanced to Joseph Nourse, pay master to the Board of War and Ordnance, to be by him transmitted to Jonathan Trumbull, Esq<sup>r</sup> pay master in the northern department, for the use of the said department and the posts on Hudson's river; who is to be accountable.<sup>2</sup>

The committee to whom was referred the letter of 8 from General Greene, Q. M. G., brought in a report, which was read:

*Ordered*, That it be referred to the Board of Treasury.

Congress resumed the consideration of the motion respecting the letter from the commissioners of the king of Great Britain, which was amended, and is as follows:

"That this Congress cannot hear any language reflecting upon the honor of his most Christian majesty, the good and faithful ally of these states:"

On motion, that the consideration thereof be postponed, Mr. [William Henry] Drayton required the yeas and nays:

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Bartlett,	ay	} ay	Mr. Sherman,	ay	} ay
Wentworth,	ay		Huntington,	ay	
<i>Massachusetts Bay,</i>			Wolcott,	ay	
Mr. S. Adams,	ay	} ay	<i>New York,</i>		
Gerry,	no		Mr. Lewis,	ay	} div.
Dana,	ay		G. Morris,	no	
Lovell,	ay		<i>New Jersey,</i>		
<i>Rhode Island,</i>			Mr. Witherspoon,	ay	} ay
Mr. Ellery,	ay	} ay	Elmer,	ay	
Marchant,	ay				

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 365.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 363.

<i>Pennsylvania,</i>			<i>South Carolina,</i>		
Mr. Roberdeau,	no	} ay	Mr. Laurens,	no	} no
J. B. Smith,	ay		Drayton,	no	
Clingan,	ay		Hutson,	no	
<i>Delaware,</i>			Mathews,	no	
Mr. M'Kean,	no	} no	Heyward,	ay	
<i>Maryland,</i>			<i>Georgia,</i>		
Mr. Plater,	no	} div.	Mr. Langworthy,	no	} no
Carroll,	ay				
<i>Virginia,</i>					
Mr. R. H. Lee,	no	} no			
Banister,	no				
T. Adams,	no				

So it was resolved in the affirmative.

A motion was then made, that the letter from the commissioners of the king of Great Britain lie on the table: passed in the negative.

On motion, *Resolved*, That the letter and papers accompanying it, be read; Whereupon,

The letter, of the 9th, and one dated June 1778, both signed Carlisle, William Eden, and George Johnstone; a paper endorsed copy of the commission for restoring peace, &c. To the earl of Carlisle, lord viscount Howe, Sir William Howe, or in his absence Sir Henry Clinton, William Eden, and George Johnstone, were read; and also three acts of the parliament of Great Britain:

*Ordered*, That they be referred to a committee of five;

The members chosen, Mr. [Richard Henry] Lee, Mr. S[amuel] Adams, Mr. [William Henry] Drayton, Mr. [Gouverneur] Morris, and Mr. [John] Witherspoon.

THREE O'CLOCK, P. M.

Congress took into consideration a report from the Committee on the Treasury, dated May 5th; Whereupon, *Resolved*, That the Board of War and Ordnance be

authorized till the further orders of Congress, to increase the salary of the secretary of the Board of Ordnance and pay master of the said Board of War and Ordnance, to a sum not exceeding one hundred dollars per month; and that the Committee of Commerce, the Marine Committee, the Committee of Treasury, Board of War and Ordnance, and secretary of Congress, be authorized to increase the salary of their clerks respectively, to a sum not exceeding one hundred dollars per month; having due regard to their qualifications and employments.

The committee to whom were referred the letters and papers from the Earl of Carlisle, &c. commissioners from the king of Great Britain, reported the draught of a letter, which was read: and after debate,

*Resolved*, That the farther consideration thereof be postponed until to morrow.

The Board of War brought in a report, which was taken into consideration; Whereupon,

Congress came to the following resolution:

The Board taking into consideration the little effect of the reward offered in March last to such drafts as should bring firelocks &c with them into the field, reflecting too on the small number of arms and accoutrements in the public stores, are of opinion that larger reward should be proposed to the two new regiments ordered to be raised in Virginia and Pennsylvania, to induce them to come armed and accoutred; and beg leave to report—

Whereas, Congress, on the 2d day of May last, resolved that two regiments be raised in Virginia and Pennsylvania, to serve for one year, and it is expedient that as many as possible of the non-commissioned officers and soldiers should provide themselves with arms and other necessities:

*Resolved*, That each non-commissioned officer and soldier of the said regiment, who shall so provide himself

with arms and other necessities, shall receive the following compensations, to be paid as soon as he has passed muster, upon his producing the said articles, viz.

For a good serviceable rifle, with a powder horn, bullet pouch, and mould, eight dollars; for a good serviceable musket, with a bayonet and a powder horn, and bullet pouch, or a good cartouch box, six dollars; for a like musket and accoutrements, without a bayonet, five dollars; for a knapsack, two dollars; for a haversack, one dollar; for a blanket, eight dollars.<sup>1</sup>

The Board of War having taken into Consideration a Memorial from the Officers in the Pensilvania Line complaining of the great distress the Pensilvania Troops are in for Want of Cloathing, and finding upon Enquiry, that considerable Quantities of Cloathing, particularly Linnen Shirts, have been purchased by the Pensilvania State Purchasers, which cannot be delivered unless Money is supplied for that Purpose from the public Treasury, beg leave to recommend to Congress,

That the Sum of Eighty thousand Dollars be advanced to James Mease Esq. Cloathier General, to be by him advanced to such of the Pensilvania State Purchasers, as, having made Purchases of Cloathing, cannot collect the Same, without an Advance of Money, and that the Cloathier General confer with the Supreme Executive Council of the State of Pensilvania concerning the Persons to whom it shall be judged necessary to make an Advance of Money, and the Sums proper to supply them with.

That the Cloathing so purchased be delivered by the respective Purchasers to the Cloathier General to be by him issued to the Officers and Men in the Pensilvania Line.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup> This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 105.

<sup>2</sup> This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 101. It is endorsed "June 16, 1778. Postponed 17th."

WEDNESDAY, JUNE 17, 1778

A letter, of 2 June, from General Schuyler, with papers of intelligence enclosed, was read:

*Ordered*, That the same be referred to the Board of War.

A letter, of the 4th, from Governor Livingston, was read, with four affidavits, respecting the enemy's treatment of citizens of New Jersey, at Hancock's bridge, enclosed:

*Ordered*, That they be referred to the committee appointed to prepare a manifesto on the conduct of the enemy.

*Ordered*, That the said committee proceed with all despatch in the business committed to them, and publish such facts relative to the conduct of the enemy as they may have collected, and have come to them well authenticated.

A letter, of the 8, from Governor Livingston, was read.

A letter of 29 May, from Governor Clinton, of the State of New York, was read.

The Committee on the Treasury brought in a report; Whereupon,

The Committee on the Treasury beg leave to report, that they have considered a Petition of Edward Chinn, Esq. offering his services as a Commissioner of Accounts: and being informed in a letter from Mr. Pickering to the Board, that "Mr. Carroll and Mr. Duer, Members of Congress, are acquainted with the Petitioner, and think him well qualified for the appointment he solicits:" Therefore

*Resolved*, That the said Edward Chinn, Esq. be appointed a Commissioner of Accounts for the Northern District.<sup>1</sup>

*Ordered*, That to morrow be assigned for electing a commissioner of accounts for the northern district.

<sup>1</sup> Against this paragraph Laurens wrote "Nominated 17th."

*Ordered*, That 4,000 dollars be advanced to the Committee of Commerce, to pay a bill for that sum, drawn by John Bradford, continental agent at Boston, on the said Committee, in favor of Captain Patrick Brown, dated 13 May last; the said Committee to be accountable:

That 600,000 dollars be advanced to the Board of War and Ordnance, being in part of the 932,743 30/90 dollars, voted the 11 instant for carrying on an expedition against the Indians; the said Board to be accountable.<sup>1</sup>

A letter, of 16, from the Board of War, was read.<sup>2</sup>

Congress resumed the consideration of the draught of a letter in answer to the letter and papers received from the Earl of Carlisle, &c. commissioners from the king of Great Britain:

On motion to agree to the letter, Mr. [Francis] Dana required the ays and noes,

<i>New Hampshire,</i>			<i>New Jersey,</i>			
Mr. Bartlett,	ay	} ay	Mr. Witherspoon,	ay	} ay	
Wentworth,	ay		Elmer,	ay		
<i>Massachusetts Bay,</i>			<i>Pensylvania,</i>			
Mr. S. Adams,	ay	} ay	Mr. Roberdeau,	ay	} ay	
Gerry,	ay		J. B. Smith,	ay		
Dana,	ay		Clingan,	ay		
Lovell,	ay					
<i>Rhode Island,</i>			<i>Delaware,</i>			
Mr. Ellery,	ay	} ay	Mr. M'Kean,	ay	} ay	
Marchant,	ay		<i>Maryland,</i>	Mr. Plater,		ay
<i>Connecticut,</i>			Carroll,	ay	} ay	
Mr. Sherman,	ay	} ay	<i>Virginia,</i>			
Huntington,	ay		Mr. R. H. Lee,	ay	} ay	
Wolcott,	ay		Banister,	ay		
<i>New York,</i>			T. Adams,	ay		
Mr. Lewis,	ay	} ay				
Duer,	ay					
G. Morris,	ay					

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 367.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 97.

<i>South Carolina,</i>			<i>Georgia,</i>	
Mr. Laurens,	ay	} ay	Mr. Langworthy,	ay } ay
Drayton,	ay			
Hutson,	ay			
Mathews,	ay			
Heyward,	ay			

So it was unanimously agreed to, and is as follows:

I have received the letter from your excellencies of the 9th instant, with the enclosures, and laid them before Congress. Nothing but an earnest desire to spare the further effusion of human blood could have induced them to read a paper containing expressions so disrespectful<sup>1</sup> to his most Christian majesty, the good and great ally of these states, or to consider propositions so derogatory to the honor of an independent nation.

The acts of the British parliament, the commission from your sovereign, and your letter, suppose the people of these states to be subjects of the crown of Great Britain, and are founded on the idea of dependence, which is utterly inadmissible.

I am further directed to inform your excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it hath been conducted. They will, therefore, be ready to enter upon the consideration of a treaty of peace and commerce not inconsistent with treaties already subsisting, when the king of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition, will be, an explicit acknowledgment of the independence of these states, or the withdrawing his fleets and armies. I have the honor to be,

Your excellencies most obedient and humble servant.<sup>2</sup>

*Resolved*, That a committee of three be appointed to make proper extracts from the journals and files relative to the letters received from the British commissioners, and report to Congress previous to a publication:

The members chosen, Mr. [Gouverneur] Morris, Mr. [Richard Henry] Lee, and Mr. [William Henry] Drayton.

<sup>1</sup>The original report read "Terms so opprobrious."

<sup>2</sup>This draft, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 23, folio 43. The vote is endorsed upon it by Charles Thomson, and a preamble by Richard Henry Lee.



*Resolved unanimously*, That Congress approve the conduct of General Washington, in refusing a passport to Dr. Ferguson.

The committee appointed to report upon the means of preventing a correspondence with the enemy, brought in a report; Whereupon, Congress came to the following resolution:

Whereas, many letters, addressed to individuals of these United States, have been lately received from England, through the conveyance of the enemy, and some of them, which have been under the inspection of members of Congress, are found to contain ideas insidiously calculated to divide and delude the good people of these states:

*Resolved*, That it be, and it is hereby earnestly recommended to the legislative and executive authorities of the several states, to exercise the utmost care and vigilance, and take the most effectual measures to put a stop to so dangerous and criminal a correspondence.

*Resolved*, That the Commander in Chief and the commanders in each and every military department be, and he and they are hereby directed to carry the measures recommended in the above resolution into the most effectual execution.

*Ordered*, That the foregoing resolutions be forthwith published, and it is recommended to the several printers in the United States to re-publish the same.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup>This report, in the writing of William Henry Drayton is in the *Papers of the Continental Congress*, No. 28, folio 199.

## THURSDAY, JUNE 18, 1778

A letter, of the 15, from General Washington, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War, and that the Board be directed to report to Congress the grounds and terms upon which the exchange of prisoners between General Washington and General Clinton has taken place.

A letter, of the 17, from Mr. William Carmichael, at York town, was read:

*Ordered*, That it be referred to the Committee on Foreign Affairs.

The committee appointed to make proper extracts from the journals and files, &c. made their report; Whereupon it was moved,

That the letters from the commissioners and their commission, together with the letter of Congress in answer thereto, being part of the said report, and no more, be published:

||Question put,|| passed in the negative.

A motion was then made, that the amended motion, with the motion for postponing the consideration thereof, and the ays and noes as entered on the 16, be published:

The previous question being moved, Mr. [John] Witherspoon required the yeas and nays,

<i>New Hampshire,</i>			<i>Rhode Island,</i>		
Mr. Bartlett,	ay	} ay	Mr. Ellery,	ay	} ay
Wentworth,	ay		Marchant,	ay	
<i>Massachusetts Bay,</i>			<i>Connecticut,</i>		
Mr. S. Adams,	ay	} ay	Mr. Sherman,	ay	} ay
Dana,	ay		Huntington,	ay	
Lovell,	ay				

<sup>1</sup>The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 105.

<i>New York,</i>			<i>Virginia,</i>		
Mr. Lewis,	ay	} div.	Mr. R. H. Lee,	ay	} ay
G. Morris,	no		Banister,	ay	
<i>New Jersey,</i>			T. Adams,	ay	
Mr. Witherspoon,	no	} div.	<i>South Carolina,</i>		
Elmer,	ay		Mr. Laurens,	ay	} ay
<i>Pennsylvania,</i>			Drayton,	no	
Mr. J. B. Smith,	no	} div.	Hutson,	ay	
Clingan,	ay		Mathews,	ay	
<i>Delaware,</i>			Heyward,	ay	
Mr. M'Kean,	ay	} ay	<i>Georgia,</i>		
<i>Maryland,</i>			Mr. Langworthy,	no	} no
Mr. Plater,	ay	} div.			
Carroll,	no				

So it passed in the affirmative, that that question be not now put ||and the motion was set aside.||

*Ordered,* That the extracts made by the committee be published.

THREE O'CLOCK, P. M.

A letter, of 16, from Mr. Holker, at York town, with sundry papers enclosed, was read:

On motion, that the same be committed, Mr. R[ichard] H[enry] Lee required the yeas and nays,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Bartlett,	ay	} ay	Mr. Lewis,	ay	} ay
<i>Massachusetts Bay,</i>			G. Morris,	ay	
Mr. S. Adams,	ay	} ay	<i>New Jersey,</i>		
Gerry,	ay		Mr. Witherspoon,	ay	} ay
Dana,	no		Elmer,	ay	
Lovell,	ay		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. J. B. Smith,	ay	} ay
Mr. Ellery,	no	} no	Clingan,	ay	
Marchant,	no		<i>Delaware,</i>		
<i>Connecticut,</i>			Mr. M'Kean,	ay	} ay
Mr. Sherman,	ay	} ay			
Huntington,	ay				

<i>Maryland,</i>			<i>South Carolina,</i>		
Mr. Plater,	ay	} ay	Mr. Laurens,	ay	} ay
Carroll,	ay		Drayton,	ay	
<i>Virginia,</i>			Hutson,	ay	
Mr. R. H. Lee,	no	} ay	Mathews,	ay	
Banister,	ay		Heyward,	ay	
T. Adams,	ay		<i>Georgia,</i>		
			Mr. Langworthy,	ay	ay

So it was resolved in the affirmative.

*Resolved*, That the committee consist of three:

The members chosen, Mr. [Gouverneur] Morris, Mr. [John] Witherspoon, and Mr. [Thomas] M'Kean.

A motion was then made,

That the committee be limited to confer with Mr. Holker on the subject of the payment of 400,000 livres to persons interested therein, as owners or otherwise concerned in the private vessels of war, *Hancock* and *Boston*:

To which the previous question was moved. The yeas and nays being required by Mr. [Richard Henry] Lee,

<i>New Hampshire,</i>			<i>New Jersey,</i>		
Mr. Bartlett,	ay	ay	Mr. Witherspoon,	no	} no
<i>Massachusetts Bay,</i>			Elmer,	no	
Mr. S. Adams,	no	} no	<i>Pennsylvania,</i>		
Gerry,	ay		Mr. J. B. Smith,	no	} no
Dana,	no		Clingan,	no	
Lovell,	no		<i>Delaware,</i>		
<i>Rhode Island,</i>			Mr. M'Kean,	no	no
Mr. Ellery,	no	} no	<i>Maryland,</i>		
Marchant,	no		Mr. Plater,	no	} no
<i>Connecticut,</i>			Carroll,	no	
Mr. Sherman,	ay	ay	<i>Virginia,</i>		
<i>New York,</i>			Mr. R. H. Lee,	no	} no
Mr. Lewis,	ay	} ay	Banister,	no	
Duer,	ay		T. Adams,	no	

<i>South Carolina,</i>				<i>Georgia,</i>	
Mr. Laurens,	no	} no		Mr. Langworthy,	no } no
Drayton,	no				
Hutson,	no				
Mathews,	ay				
Heyward,	no				

So it passed in the negative.

The question being then put on the motion. The yeas and nays were required by Mr. S[amuel] Adams,

<i>New Hampshire,</i>				<i>Delaware,</i>	
Mr. Bartlett,	no } no			Mr. M'Kean,	no } no
<i>Massachusetts Bay,</i>				<i>Maryland,</i>	
Mr. S. Adams,	ay	} div.		Mr. Plater,	no } no
Gerry,	no			Carroll,	no
Dana,	ay			<i>Virginia,</i>	
Lovell,	no			Mr. R. H. Lee,	ay
<i>Rhode Island,</i>				Banister,	no } no
Mr. Ellery,	ay	} ay		T. Adams,	no
Marchant,	ay			<i>South Carolina,</i>	
<i>Connecticut,</i>				Mr. Laurens,	no
Mr. Sherman,	ay } ay			Drayton,	no
<i>New York,</i>				Hutson,	no } no
Mr. Lewis,	no	} no		Mathews,	no
Duer,	no			Heyward,	no
<i>New Jersey,</i>				<i>Georgia,</i>	
Mr. Witherspoon,	no	} div.		Mr. Langworthy,	no } no
Elmer,	ay				
<i>Pennsylvania,</i>					
Mr. J. B. Smith,	no	} no			
Clingan,	no				

So it passed in the negative.

The Marine Committee brought in a report; Whereupon,

*Resolved*, That the commissioners of the respective continental navy boards, and the persons by them appointed to constitute marine courts martial, be authorized to

administer oaths when acting on such courts martial, and that the said commissioners have also authority to administer oaths in cases where they may be necessary upon the settlement of such marine accounts as may come under consideration of the said commissioners.

A letter, of 18th, from General Conway, was read.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

FRIDAY, JUNE 19, 1778

Mr. [John] Hancock, a delegate from Massachusetts bay, and Mr. [Nathaniel] Scudder, a delegate from New Jersey, attended, and took their seats.

A letter, of 15, from Governor Livingston, of New Jersey, with a paper enclosed, relative to the conduct of the enemy, was read.

*Ordered*, That it be referred to the committee appointed to prepare a manifesto on the injurious conduct of the enemy.

A letter, of 30 May, from Samuel Freeman, speaker, pro tempore, of the assembly of Massachusetts bay, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

*Ordered*, That the letter of 25 May, from General Heath, which was read 15 instant be referred to the Board of War.

A petition from sundry navy officers and declarations respecting Captain Burke, and a petition from four captains and four lieutenants of marines, were read:

*Ordered*, That the same be referred to the Marine Committee.

A letter, of the 1st, from John Browne, president of the board of war of Massachusetts bay, with a manifest

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 159, folio 485.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 65, I, folio 318.

of the cargo of the *Lady of Mount Carmel and St. Antonio* enclosed, was read:

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [William] Ellery, and Mr. [Francis] Dana.

A letter, of 6th May, from James Whitefield, speaker of the assembly of Georgia; two letters, of the 13 April, from Major General R. Howe, at Savannah; one, of the 16 April, from Gov. Houston, of Georgia, and the proceedings of the assembly of that State, were laid before Congress.<sup>1</sup>

*Ordered*, That they be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. [Thomas] M'Kean, and Mr. [William] Duer.

The Committee for Foreign Affairs laid before Congress sundry letters from the commissioners at foreign courts, among which,

One of the 6th, one of the 15, and one of 31 January, signed Arthur Lee, directed to the hon. the chairman of the committee of correspondence: and one of 16 January, signed B. Franklin and Silas Deane, directed to the hon. the Committee for Foreign Affairs of the United States of North America, which were read; Mr. [William] Duer also laid before Congress a letter directed to him from R. Izard, dated Paris, 22 December, 1777:

*Ordered*, That they be referred to a committee of five:

The members chosen, Mr. [John] Witherspoon, Mr. [Francis] Dana, Mr. G[ouverneur] Morris, Mr. [William Henry] Drayton, and Mr. [Thomas] Heyward.

Mr. [James] Lovell laid before Congress a letter of 21 December, last, from Benjamin Franklin, which was read.

<sup>1</sup>The letter of Browne is in the *Papers of the Continental Congress*, No. 78, II, folio 317; that of Whitefield is in No. 73, folio 207; that of Houston is in No. 73, folio 191, and the proceedings are on folio 215.

## THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer for 1,500,000 dollars; and another warrant on Thomas Smith, commissioner of the loan office in the State of Pennsylvania, for 500,000 dollars, in favour of Charles Pettit, Esq. upon an application of Major General Greene, Q. M. G., for the use of his department; General Greene to be accountable:

That 1,700,000 dollars be advanced to Jeremiah Wadsworth, commissary general of purchases, for the use of his department; he to be accountable.

That 100,000 dollars be paid to Joseph Nourse, pay master of the Board of War and Ordnance, to be by him transmitted to Colonel Benjamin Flower, commissary general of military stores, for the use of his department:<sup>1</sup>

That 300,000 dollars be advanced to Jeremiah Wadsworth, commissary general of purchases, to be paid to Mr. Frederick Tracy, for the use of the commissary general's department; the said Jeremiah Wadsworth to be accountable.<sup>2</sup>

## TREASURY OFFICE, June 13, 1778.

The Committee on the Treasury beg leave to report the following resolution:

*Resolved*, That a Warrant issue on the Treasurer, at the request of the Board of War and Ordnance, in favor of Joseph Nourse, pay master thereof, for twelve thousand Dollars, to answer the orders of the Board for contingent expences, the said Joseph Nourse to be accountable.

The Committee further beg leave to report:

*Postponed, a. m. and p. m. the 6th instant* That they have taken into Consideration a Letter of the President, referred to them by Congress.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 369.

<sup>2</sup> This report, dated June 18, is in the *Papers of the Continental Congress*, No. 136, II, folio 371.



That by a Letter from Silas Deane, Esquire, to the Committee of Foreign Affairs, dated the 29th November, 1776, it appears <sup>Not considered.</sup> that Major General Conway was then a Colonel and an officer of great Merit in France, and that far from exacting of Mr. Dean any condition or Contract as Preliminaries to his engaging in the Service of the United States, "he generously confided in Congress for such Rank and appointment as they should confer." That therefore no gratuity has been allowed him for his time and expences previous to his appointment of Brigadier General by Congress: That he having served with Fidelity and Honor since that appointment, is entitled to a Reward according to his Rank.<sup>1</sup>

*Resolved*, That the sum of eight thousand two hundred and twenty-three livres tournois and four sous, and two hundred dollars, be allowed to Major General Conway, as a gratuity for his time and expences previous to his entering into pay of the United States, and for his return to France; and that bills of exchange be drawn by the President on the commissioners at Paris, in favour of Major General Conway, for 7,792 livres tournois; and that a warrant issue on the treasurer for 321 30/90 dollars, in favor of said General Conway; which sums are the balance of his account with the United States.<sup>2</sup>

TREASURY OFFICE, *June 15, 1778.*

The Committee on the Treasury beg leave to report:

That they have examined the Account of Colonel Mullens, late aid de camp to Major General Conway, and are of Opinion, that the sum of twelve hundred Livres Tournois should be allowed him as a gratuity for his time and expences in and from France; And a further sum of Nine hundred Livres Tournois, to pay his Passage to France, making in the whole two thousand one hundred Livres.

That he has received from Major General Conway nineteen hundred and ninety Livres, which leaves a Balance of one hundred and ten Livres Tournois on that Account due to Colonel Mullens.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 355.

<sup>2</sup> A letter of Conway, dated June 19, asking for a settlement of his accounts, is in the *Papers of the Continental Congress*, No. 159, folio 489. It is endorsed by Laurens: "Received P. M., at the door, and presented and read immediately."

That there should be allowed to him three hundred and forty two Dollars and eight ninetieths of a Dollar for his Pay and Rations, from the 10th October, 1776, the time he entered into the Pay of America, to the 13 May, 1777.

And the further sum of one hundred Dollars for his travelling expences to a port, to take shipping for France, making in the whole four hundred and forty two dollars and 8/90ths:

*Resolved*, That bills of exchange for one hundred and ten livres tournois be drawn by the President in favour of Lieut. Colonel Mullens, on the commissioners at Paris; and that a warrant issue on the treasurer in favour of Lieutenant Colonel Mullens, for 442 8/90 dollars, which sums are the balance of his accounts with the United States, and that the same be delivered to General Conway.<sup>1</sup>

The Marine Committee brought in a report; Whereupon,

*Resolved*, That Captain Peter Landais be appointed to command the new frigate called the *Alliance*.

*Resolved*, That Colonel William Malcolm, deputy adjutant general in the army, now under the command of Major General Gates, be permitted to hold his rank in the army, and his regiment, if the same shall be kept up in the new arrangement now making.

*Resolved*, That to morrow be assigned for taking into consideration the articles of confederation.

Congress proceeded to the election of a commissioner of accounts in the northern department, and, the ballots being taken,

Edward Chinn, Esq. was elected.<sup>2</sup>

Adjourned to 10 o'Clock to Morrow.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 361.

<sup>2</sup>A petition from Chinn, dated June 8, asking for this appointment, is in the *Papers of the Continental Congress*, No. 41, II, folio 55. It was addressed to Gates, and was sent to the Board of Treasury on June 16.

SATURDAY, JUNE 20, 1778

Mr. John Collins, a delegate from Rhode Island, attended, and took his seat.

A letter, of 18, from General Washington, was read, informing, that the enemy have evacuated Philadelphia:

*Ordered*, That it be referred to the Committee of Intelligence.

A letter, of the 11, from Governor Livingston, and one, of 28 May, from Colonel Ethan Allen, were read:<sup>1</sup>

*Ordered*, That the letter from Colonel Allen be referred to the Board of War.

The Committee on Indian Affairs, to whom was referred the letter of Colonel G. Morgan, dated the 10th instant, brought in a report; Whereupon,

*Resolved*, That the Committee of Commerce be directed to procure goods, and such other articles as are proper for presents to the western Indian nations, to the amount of ten thousand dollars, and transmit the same to Fort Pitt, to the commissioners, who are to treat with the Indians there on the 23 day of July next: and that the said commissioners be also directed to dispose of the said goods amongst the said Indians in such manner as they shall judge will best conduce to conciliate their affections and secure them in the interest of these states:

That the said commissioners be empowered to draw on the military chest, at Fort Pitt, for such sums as shall be necessary to defray the contingent expences of the said treaty.

*Ordered*, That the several boards of Congress put themselves in readiness to remove from this place.

<sup>1</sup>The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 115; that of Governor Livingston is in No. 68, folio 379; and that of Allen in *United States Revolution*, sub dato.

A motion being made for an advance of 100,000 dollars to the State of New York,

*Ordered*, That it be referred to the Board of Treasury.

The Committee on the Treasury brought in a report; Whereupon,

*Resolved*, That five millions of dollars be emitted under the direction of the Board of Treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 11 day of April last, and be numbered from the last number of each respective denomination progressively, and to consist of the following denominations,

41, 667	of the denomination of 40 dollars,	1, 666, 680
41, 667	do. of 30 do.	1, 250, 010
41, 666	do. of 20 do.	833, 320
41, 666	do. of 8 do.	833, 328
41, 666	do. of 7 do.	291, 662
41, 667	do. of 6 do.	250, 002
41, 666	do. of 5 do.	208, 330
41, 667	do. of 4 do.	166, 668
		<hr/>
		5, 000, 000

That all powers and duties of Michael Hillegas, Esq<sup>r</sup> and of the inspectors of the press, signers, and printers of the emission on the 20th day of May, 1777, shall extend to the said 5,000,000 of dollars now to be emitted, subject, however, to such directions and instructions as the Board of Treasury may judge expedient.<sup>1</sup>

The Committee on the Treasury, report, "That the commissioners of claims have communicated to the Board, sundry errors in the accounts of Colonel B. Flower, commissary general of military stores, referred to them for their examination, and that it appears to the Board that

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 373.

some of the accounts and receipts strongly indicate intentions of fraud in Cornelius Sweers, deputy commissary of military stores:" Whereupon,

*Resolved*, That the Board of War be directed, forthwith, to cause the said Cornelius Sweers to be arrested and secured until farther enquiry can be made into his conduct in the premises.

That the Warrant on the Treasurer of the 19th instant for four hundred and forty two Dollars and 8/90, and a set of Bills of Exchange of the same date for one hundred and ten Livres Tournois, on the Commissioners of the United States of North America in Paris, in favor of Lieut. Colonel Thomas Mullens, be delivered to Major General Conway, to whom the Treasurer is directed to pay the Warrant.<sup>1</sup>

Congress proceeded to take into consideration the articles of confederation: Whereupon, on motion,

*Resolved*, That the delegates of the states, beginning with New Hampshire, be called upon for the report of their constituents upon the confederation, and the powers committed to them; and that no amendments be proposed but such as come from a State.

*Resolved*, That the proceeding on the articles of confederation be postponed to Monday next, and that it be taken up immediately after the reading of the public letters and reports of the treasury, if any there are.

*Ordered*, That a copy of the report of the committee "appointed to examine the evidence collected, and to state the charges against the general officers who were in the northern department when Ticonderoga and Mount Independence were evacuated," and which is on the files, be sent to General Washington, and that he be directed to appoint a court martial to proceed to trial.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 377 B.

June, 1778

629

SIX O'CLOCK, P. M.

A letter, of the 18, from General Washington, accompanied with the proceedings of the court of enquiry, respecting the losses of the forts in the Highlands, was read:<sup>1</sup>

*Ordered*, That the proceedings of the court of enquiry be referred to the Board of War.<sup>2</sup>

Adjourned to 10 o'Clock on Monday.

MONDAY, JUNE 22, 1778

Mr. Samuel Holten, a delegate from Massachusetts bay, attended, and took his seat.<sup>3</sup>

A letter, of 15, from Colonel Forman, and directed to N[athaniel] Scudder, Esq. one of the delegates of New Jersey, was laid before Congress and read:<sup>4</sup>

*Ordered*, That it be referred to the Board of War and Board of Treasury.

A letter, of the 6, and one of the 9th, from General Heath, were read:

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 119.

<sup>2</sup>Two letters of Robert Howe, dated Savannah, April 13, 1778, in the *Papers of the Continental Congress*, No. 160, folios 444 and 450, are endorsed as having been read on this day.

<sup>3</sup>His credentials were presented and read on this day. The original is in the *Papers of the Continental Congress*, Massachusetts, *credentials of Delegates*, and reads:

"STATE OF MASSACHUSETTS BAY

"COUNCIL CHAMBER, BOSTON, February, 10, 1778.

"The general Assembly having this Day come to the choice of a Gentleman to represent this State in the Hon'ble Continental Congress by Joint Ballot of both Houses to serve for the ensuing year in the room of the Hon'ble John Adams, Esqr.; It appeared after counting and sorting the votes that the Hon'ble Samuel Holten, Esq., was chosen.

"Attest.

JOHN AVERY, *Deputy Secretary*"

<sup>4</sup>The letter of Forman is in the *Papers of the Continental Congress*, No. 78, IX, folio 161.

*Ordered*, That the letter of the 9th be referred to the Board of War, who are directed to confer with the committee lately sent to camp, and give the necessary orders.

A letter, of 13, from General Sullivan, enclosing letters of 5, from Governor Trumbull, and one of 13, from Governor Greene, was read:

*Ordered*, That the same be referred to a committee of five:

The members chosen, Mr. S[amuel] Adams, Mr. [John] Wentworth, [Jun.] Mr. [William] Ellery, Mr. [Roger] Sherman, and Mr. [John] Hancock.

A letter, of 25 May, from Governor Caswell, was read.

A letter, of 10, from W. Aylett, Esq<sup>r</sup> deputy commissary of purchases, with sundry papers enclosed, was read:<sup>1</sup>

*Ordered*, That the same be referred to the Board of War.

A letter, of 19, from Governor Johnson, of Maryland, with sundry papers enclosed, relative to instructions given to Major Lee was read:<sup>2</sup>

*Ordered*, To lie on the table till the afternoon.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 100,000 dollars be advanced to the delegates of New York, for the use of that State, which is to be accountable:

That 500 dollars be advanced to Mr. E[dward] Langworthy, one of the delegates of Georgia, to enable him to pay a bill drawn by James Whitefield, Esq. speaker of the house of assembly, expressed to be for paying an express from Georgia; the said State to be accountable:

That 2,000 dollars be paid to Robert Coughran, in discharge of three bills of exchange drawn by John Ashe,

<sup>1</sup> The letters of Heath are in the *Papers of the Continental Congress*, No. 157, folios 152 and 162; that of Greene in No. 64, folio 410; that of Caswell in No. 72, folio 55; that of Aylett in No. 78, I, folio 195.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 70, folio 261.

treasurer of the State of North Carolina, two of which are dated the 18 of March, 1777, in favour of Peter Mallet, for 375 dollars each; the other dated May 20, 1777, in favour of Peter and Daniel Mallet, for 1,250 dollars; all expressed to be for the purchase of provisions; the said State of North Carolina to be accountable.<sup>1</sup>

Congress proceeded to consider the objections of the states to the articles of confederation; whereupon, the delegates of Maryland read to Congress instructions they had just received from their constituents; and moved,

“That the objections of the State of Maryland to the confederation be immediately taken up and considered by Congress, that the delegates of Maryland may transmit to that State, with all possible despatch, the determination of Congress on those objections:” question put, resolved in the affirmative.

A motion was then made in behalf of Maryland,

In article 4, strike out the word “paupers,” and after the words “or either of them,” insert, That one State shall not be burthened with the maintenance of the poor who may remove into it from any of the others in this union:

Question put, passed in the negative, one State only answering ay.

Another amendment was moved in behalf of Maryland,

Article 8, after the words “granted to or surveyed for,” to insert “or which shall hereafter be granted to, or surveyed for any person:”

Question put, passed in the negative, 4 states answering aye, 8 answering no.

A third amendment was moved in behalf of Maryland,

Article 9, after the words “shall be deprived of territory for the benefit of the United States,” insert, “the

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 377.



United States in Congress assembled, shall have the power to appoint commissioners, who shall be fully authorized and empowered to ascertain and restrict the boundaries of such of the confederated states which claim to extend to the river Mississippi, or South Sea:”

After debate,

*Resolved*, That the consideration thereof be postponed till to morrow.

Adjourned to 10 o’Clock to Morrow.

**TUESDAY, JUNE 23, 1778**

Mr. Titus Hosmer, a delegate from Connecticut, attended and took his seat.

A letter, of 16, from Benjamin Elliot, directed to Mr. [Daniel] Roberdeau, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 20, from General Washington, was read. A letter of 17, from General Gates, with sundry papers enclosed, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

<sup>1</sup> The letter of Elliot is in the *Papers of the Continental Congress*, No. 78, VIII, folio 273; that of Washington is in No. 152, VI, folio 123; that of Gates is in No. 154, I, folio 418. On the back of the Washington a vote has been recorded by Thomson, which does not appear in the journals. There is no clue as to the question.

Bartlett, ay.  
Adams, ay.  
Gerry, no, who calls for [vote?].  
Dana, ay.  
Lovell, ay.  
Holten, ay.  
Ellery, ay.  
Marchant, ay.  
Sherman, ay.  
Huntington, ay.  
Wolcott, ay.  
Hosmer, ay.

Lewis, ay.  
Morris, ay.  
Scudder, ay.  
Roberdeau, ay.  
Smith, ay.  
Lee, ay.  
Banister, ay.  
Adams, ay.  
Laurens, ay.  
Drayton, ay.  
Heyward, ay.  
Langworthy, no.

The commissioners of claims at the Board of Treasury, report,

That there is due, to Francis Lewis, Esq<sup>r</sup> for his expences to, in, and from North Carolina, when sent to purchase goods for the army, 925 60/90 dollars:

That there is due to Robert Patton, for his pay as messenger to Congress, and for extra services, &c. from the 21 January to 15 June, 1778, both days inclusive, 293 dollars:

That there is due to Mrs. E. Swoope, for lodging and boarding Baron Steuben, his two aids, and two servants, 13 days, 104 dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

A letter of 22 June, from the Board of War, was read:

*Ordered*, That it be referred to the Board of Treasury.

*Ordered*, That the Board of War estimate the expence of the fort lately built by Mr. [Daniel] Roberdeau, in Bedford county, in Pennsylvania, and report the same to Congress, with their opinion by whom the same ought to be defrayed.

*Resolved*, That General Gates be, and he is hereby authorized to dismiss all the supernumerary staff officers in the district under his command.

*Resolved*, That so much of General Gates's letter of 17, and the papers enclosed, as relates to supernumerary officers of the staff, be referred to the committee of arrangement; and that they be directed to report a plan for preventing the extraordinary expence arising from the appointment of such officers.

*Resolved*, That the Board of War be directed to collect the standards and colours taken from the enemy, by the

<sup>1</sup> This report, dated June 22, is in the *Papers of the Continental Congress*, No. 136, II, folio 379.

army of the United States, since the commencement of the war.

The Board of War report,

“That the two independent companies raised in the town of Westmoreland, lately commanded by the Captains [Robert] Durkee and Ransom, are reduced by various causes to about eighty-six non-commissioned officers and privates; that there is no chance of their being completed to the establishment; that the said companies are now detached from the main army for the defence of the frontiers:” Whereupon,

*Resolved*, That the two independent companies, lately commanded by the Captains Durkee and Ransom, which were raised in the town of Westmoreland, be united and form one company:

That Lieutenant Simon Spaulding be appointed captain, and Lieutenants Timothy Pierce and Phinehas Pierce, lieutenants of the said company; the said lieutenants to take rank, Timothy Pierce from the 16 January last, and Phinehas Pierce from the 1st of April last, the times they were respectively appointed to act as lieutenants in the said companies.<sup>1</sup>

A motion was made,

That the committee lately at camp be directed to prepare an amendment to the resolution for apportioning the number of battallions to the several states, and to report on the propriety of further reducing them, and also the sixteen battallions, so called:

A motion was made that the consideration of the motion be postponed; Whereupon, Mr. [William] Duer required the yeas and nays,

<sup>1</sup> This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 111.

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	ay	ay	Mr. Roberdeau,	ay	
<i>Massachusetts bay,</i>			James Smith,	ay	ay
Mr. Hancock,	ay		Clingan,	ay	
S. Adams,	ay		<i>Delaware,</i>		
Gerry,	ay	ay	Mr. M'Kean,	ay	ay
Dana,	no		<i>Maryland,</i>		
Lovell,	no		Mr. Plater,	ay	
Holten,	ay		Carroll,	ay	ay
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay		Mr. R. H. Lee,	ay	
Marchant,	ay	ay	Banister,	ay	ay
Collins,	ay		T. Adams,	ay	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Sherman,	ay		Mr. Laurens,	no	
Wolcott,	ay	ay	Drayton,	ay	
Hosmer,	ay		Hutson,	no	no
<i>New York,</i>			Mathews,	no	
Mr. Lewis,	no		Heyward,	ay	
Duer,	no	no	<i>Georgia,</i>		
G. Morris,	no		Mr. Langworthy,	no	no
<i>New Jersey,</i>					
Mr. Witherspoon,	ay				
Elmer,	ay	ay			
Scudder,	ay				

So it was resolved in the affirmative.

The Board of War brought in a report: Whereupon,

WAR OFFICE *June 22d 1778*

As Congress, on the [16] day of March last, resolved, that one full company of men should be raised in the Town of Westmoreland, on the east branch of the Susquehannah, to serve for one year, for the defence of that and the neighbouring settlements, but no bounty or other allowance was offered to the men who should engage for that service, except their mere pay and rations. As after constant attention to the business, the Gentlemen appointed for the purpose have been able to enlist only forty six men, and as the ravages of the Indians on the frontiers make it expedient that the said company should be com-

pleted as soon as possible, the Board beg leave to submit to Congress the following resolve—

*Resolved*, That each non-commissioned officer and soldier who hath inlisted or shall inlist into the company of foot ordered to be raised in the town of Westmoreland, on the east branch of the Susquehanna, by the resolution of the 16th of March last, shall receive the same sums for finding his own arms, accoutrements, and blanket, as were allowed by a resolve of the 16th instant to the non-commissioned officers and soldiers of the two regiments raising in Virginia and Pennsylvania, to serve for one year; the said sums to be paid them immediately upon their passing muster before the colonel, or in his absence, the next commanding officer of the militia in the said town, and producing the necessary articles of equipment mentioned in the said resolve of the 16th instant.

That the sum of 1,440 dollars be granted to the Board of War, to be issued to Colonel Dennison, of Westmoreland aforesaid, to enable him to pay the allowances above mentioned; he to be accountable for the same.<sup>1</sup>

Congress proceeded to consider the motion from Maryland under debate yesterday ||amendment of the articles of confederation moved in behalf of Maryland:|| and after debate,

*Resolved*, That the farther consideration thereof be postponed till the afternoon.

THREE O'CLOCK P. M.

Congress resumed the consideration of the motion from Maryland.

Question put, passed in the negative, four ayes, five noes.

<sup>1</sup>This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 107.

Three other states coming in, a motion was made to reconsider the question just determined.

Question put,

Resolved in the affirmative.

The question being again put, Mr. [Henry] Marchant required the yeas and nays,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	no	no	Mr. Roberdeau,	ay	
<i>Massachusetts Bay,</i>			Clingan,	no	ay
Mr. Hancock,	no		James Smith,	ay	
S. Adams,	no		<i>Delaware,</i>		
Gerry,	no	no	Mr. M'Kean,	ay	ay
Dana,	no		<i>Maryland,</i>		
Lovell,	no		Mr. Plater,	ay	
Holten,	no		Carroll,	ay	ay
<i>Rhode Island,</i>			<i>Virginia,</i>		
Mr. Ellery,	ay		Mr. R. H. Lee,	no	
Marchant,	ay	ay	Banister,	no	no
Collins,	ay		T. Adams,	no	
<i>Connecticut,</i>			<i>South Carolina,</i>		
Mr. Sherman,	no		Mr. Laurens,	no	
Huntington,	no	no	Drayton,	no	
Wolcott,	no		Hutson,	no	no
Hosmer,	no		Mathews,	no	
<i>New York,</i>			Heyward,	no	
Mr. Lewis,	ay		<i>Georgia,</i>		
G. Morris,	no	div.	Mr. Langworthy,	no	no
<i>New Jersey,</i>					
Mr. Witherspoon.	ay				
Elmer,	ay	ay			
Scudder,	ay				

So it passed in the negative.

The delegates from New Hampshire being called on for the report of their constituents upon the confederation, informed Congress,

That the State of New Hampshire have, in their general assembly, agreed to the articles of confederation as

they now stand, and have empowered their delegates to ratify the same in behalf of their State.

The delegates from Massachusetts Bay being called on for the report of their constituents upon the confederation, read sundry objections transmitted to them by their constituents, and thereupon moved ||in behalf of their State,||

That the eighth article be re-considered, so far as relates to the criterion fixed on for settling the proportion of taxes to be paid by each State, that an amendment may be made, so that the rule of apportionment may be varied, from time to time, by Congress, until experience shall have shewed what rule of apportionment will be most equal and consequently most just:

Question put for re-considering,

Passed in the negative, 2 ayes, 8 noes.

Another motion was made to reconsider the fifth section of the 9th article, so far as relates to the rule of apportioning the number of forces to be raised by each State on the requisition of Congress:

Question put for re-considering,

Passed in the negative, 3 ayes, 7 noes.

A third motion was made to re-consider the sixth section of the 9th article so far as it makes the assent of nine states necessary to exercise the powers with which Congress are thereby invested:

Question put for re-considering,

Passed in the negative.

The delegates from Rhode Island, being called upon for the report of their constituents, produced instructions, and thereupon moved ||the following amendments:||

1. In the 5th article, after the word "two," to insert "members, unless by sickness, death or any other unavoidable accident, but one of the members of a State can attend Congress, in which case such State may be

represented in Congress by one member for the space of months:"

Question put to agree to the amendment,

Passed in the negative, one aye, and nine noes.

2. In the 8th article, after the word "appoint," to add "such estimate to be taken and made once in every five years:"

Question put,

Passed in the negative, 4 ayes, 6 noes.

3. In the 9th article, at the end of the second paragraph, after the words "for the benefit of the United States," to add "provided nevertheless, that all lands within these states, the property of which, before the present war, was vested in the crown of Great Britain, or out of which revenues from quit-rents arise, payable to the said crown, shall be deemed, taken and considered as the property of these United States, and be disposed of and appropriated by Congress for the benefit of the whole confederacy, reserving, however, to the states, within whose limits such crown lands may be, the entire and complete jurisdiction thereof:"

Question put,

Passed in the negative, 1 aye, nine noes.

The delegates from Connecticut being called upon for the report of their constituents, produced instructions to move certain amendments: Whereupon,

They moved in behalf of the State,

In the 8th article, to strike out what follows the words "in proportion to" to the end of the sentence, and in lieu thereof to insert "the number of inhabitants in each State:"

Question put,

Passed in the negative, 3 ayes, 9 noes.



In the 9th article, at the end of the 5 paragraph, to add the words following, "provided that no land army shall be kept up by the United States in time of peace, nor any officers or pensioners kept in pay by them, who are not in actual service, except such as are or may be rendered unable to support themselves, by wounds received in battle, in the service of the said states, agreeably to the provisions already made by a resolution of Congress:"

Question put,

Passed in the negative, 1 aye, 11 noes.

The delegates of New York being called upon for the report of their constituents respecting the articles of confederation, produced, under the great seal of their State, an exemplification of the act of the legislature thereof, ratifying the said articles as passed by Congress, with a proviso, that the same shall not be binding on the State until all the other states in the union ratify the same.

The delegates from New Jersey being called upon for the report of their constituents respecting the articles of confederation, laid before Congress a representation of the legislative council and general assembly of their State.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, JUNE 24, 1778

A letter, of 24 January, from Colonel William Lee, to Major General Heath, was read, requesting leave to resign.

*Resolved*, That his resignation be accepted.

A letter, of 17 March, from Major [Joseph] Swasey, was read, requesting leave to resign his commission:<sup>1</sup>

*Resolved*, That his resignation be accepted.

<sup>1</sup> The letter of Lee is in the *Papers of the Continental Congress*, No. 78, XIV, folio 189; that of Swasey in No. 78, XX, folio 197.

A letter, from the Board ||of War,|| was read, informing, that Captain Smith having declined the appointment of Secretary to the Board of War, the business of the Board suffers daily for want of proper assistance, and therefor calling the attention of Congress to the appointment of a secretary:<sup>1</sup>

*Resolved*, That to morrow be assigned for appointing a secretary to the Board of War and Ordnance.

*Resolved*, That on Saturday next Congress be adjourned from this place to meet at Philadelphia, on Thursday, the 2 day of July next.

*Resolved*, That a committee of three be appointed to take proper measures for a public celebration of the anniversary of independence, at Philadelphia, on the 4 day of July next, and that they be authorized and directed to invite the president and council and speaker of the assembly of the commonwealth of Pennsylvania, and such other gentlemen and strangers of distinction, as they shall deem proper:

The members chosen, Mr. [William] Duer, Mr. [John] Hancock, and ~~Mr. Roberdeau~~, Mr. [John] Mathews.

*Resolved*, That Congress will, in a body, attend divine worship on Sunday, the 5th day of July next, to return thanks for the divine mercy in supporting the independence of these states, and that the chaplains be requested to officiate and to preach sermons suited to the occasion.

A letter, of 21, from the council of Pennsylvania, with a paper of intelligence enclosed respecting the Indian incursions, was read:<sup>2</sup>

*Ordered*, That the same be referred to Board of War.

The Committee on the Treasury brought in a report; Whereupon,

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 121. The letter recommends for the place Captain Stoddard, of Colonel Hartley's regiment.

<sup>2</sup> These papers are in the *Papers of the Continental Congress*, No. 69, I, folio 533.

*Ordered*, That 50,000 dollars be advanced to Mr. Joseph Nourse, pay master to the Board of War and Ordnance, to be applied by the said Board to the purpose of purchasing linens, hose, shoes, &c. for the use of the army; the said pay master to be accountable.<sup>1</sup>

Adjourned to 10 o'Clock to Morrow.

THURSDAY, JUNE, 25, 1778

A letter, of 22, from General Washington, in Jersey, near Coryell's ferry, was read.

A letter, of 11th, from the council of war of the State of Rhode Island, &c. directed to the delegates of that State, was laid before Congress, ||and read:||<sup>2</sup>

*Ordered*, That it be referred to the committee of arrangement.

Congress resumed the consideration of a report of the Committee on the Treasury, of the 24; Whereupon,

*Ordered*, That 100,000 dollars of the warrant for 300,000, issued the 12 February last, in favour of the delegates of Pennsylvania, to be by them transmitted to the president of the said State, for the purchase of flour, &c. be applied to the purpose of paying for the cloathing mentioned in the letter of the 5th, from the president of the council of Pennsylvania.<sup>3</sup>

A report being brought in from the Board ||of War|| was read; Whereupon,

AT A BOARD OF WAR, *May 17<sup>th</sup>, 1778*

Present, Col<sup>o</sup> Pickering, M<sup>r</sup> Peters, M<sup>r</sup> Duer.

That Col<sup>o</sup> Armand, Marquis de la Rouerie, at present commanding the Independent Corps, formerly raised by Major Ottendorf, be author-

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 385.

<sup>2</sup>The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 135; that of Rhode Island is in No. 64, folio 408.

<sup>3</sup>See note on p. 612 *ante*.

ized to recruit for the purpose of compleating the said Corps, Deserters from the Enemy's foreign Troops, French Men, and others not owing Allegiance to the King of Great Britain, upon the same Terms as other Troops raised on the Continental Establishment for three Years or during the War.

That the said Corps be distinguished by the Name of The Free and Independent Chasseurs.

That it consist of Three Companies, formed and Commanded as follows, viz<sup>t</sup>:

Each company to consist of one Captain, 1 Capt<sup>n</sup> Lieut., 2 Lieuts., 8 Sergeants, 8 Corporals, 2 Drummers, 128 Privates.

Regimentary Officers, 1 Col<sup>o</sup>, 1 Major, 1 Regimental Standard Bearer, or Ensign Major, with the Rank and Pay of Lieut.

So that the whole will be composed as follows, viz:

One Colonel

1 Major

3 Captains

3 Cap<sup>t</sup> Lieuts

6 Lieuts

1 Ensign Major

24 Sergeants

24 Corporals

6 Drummers or horn sounders

384 Privates

14 Comm<sup>n</sup> Officers

438 Non-Com<sup>d</sup> and Privates

That Gen<sup>l</sup> Washington be authorized to appoint as Officers to the said Corps, such Officers of Merit as are at present in it, and such other foreign Officers of Merit as at present hold Commissions, and who are not already ~~and cannot be annexed to other Corps, on the proposed arrangement of the army.~~

That this Corps when raised shall act ~~in concert with Gen<sup>l</sup> Pulaski's Legion~~ in such manner as Gen<sup>l</sup> Washington shall deem best

That if any French, or other Foreigners (not Deserters from the Enemy) shall Enlist in the said Corps, the State in which such Troops shall so enlist shall be credited in their Continental Quota for such Recruits as they shall think proper to allow the State Bounty in addition to that allowed by the United States.

~~And whereas, Congress have received Information that several Foreign Deserters from the Enemy's Troops and Prisoners of War have been enlisted in the Regiments rais'd by the Respective States, contrary to the Resolutions of Congress, but injurious to the interests of these States.~~

~~Resolved, That Genl. Washington be directed to order Returns to be made from the Regiments of such Deserters and Prisoners of War; and that they be turn'd over to such Companies of Genl. Pulaski's Legion, or of the Free and Independent Chasseurs as they shall prefer.~~

That the sum of            Dollars be advanced by the Treasury to the Order of the Board of War to be by the said Board paid from Time to Time to Col<sup>o</sup> Armand or his order for the purpose of recruiting the said corps.

By order of the Board.

TIM. PICKERING, junr

That none of the said Foreign Officers, to be appointed in the said corps, shall receive any higher pay than what is annexed to the Commands they may respectively be appointed to, by Virtue of any Brevet Commission which may have been granted by the Resolutions of Congress of the 2<sup>d</sup> February last.<sup>1</sup>

*Resolved*, That the independent corps raised by Colonel Armand, in consequence of General Washington's permission, be taken into continental pay; the pay to commence from the time of the respective enlistments of the non-commissioned officers and privates engaged in the same:

That General Washington be authorized to officer this corps with such foreign and other officers of merit as at present hold commissions, and who are not already and cannot be annexed to other corps on the proposed arrangement of the army:

That if any of the states shall think proper to allow to the non-commissioned officers and privates, who have or shall enlist in Colonel Armand's corps, the bounty allowed by them respectively, in addition to the continental bounty, the men so engaged shall be credited as part of the quota of the State who shall allow the additional bounty:

That the sum of five thousand dollars be paid to the Board of War, to be by them advanced to Colonel Armand,

<sup>1</sup>This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 147, II, folio 39. It is endorsed: "Debated, partly amended and postponed."

towards paying the continental bounty and recruiting charges of the said corps; for which sum, Colonel Armand is to be accountable.<sup>1</sup>

The committee to whom were referred the letters of Governor Greene, General Sullivan, &c. brought in a report; Whereupon,

Whereas, it appears from repeated and recent advices that the States of New Hampshire, Massachusetts Bay and Connecticut have not completed their quota of troops for the defence of the State of Rhode Island and Providence Plantations, according to the agreement of the Stipulation at Springfield, ~~whereby~~ and part of that State hath been lately laid waste, and the rest is now exposed to the ravage and devastation of a savage enemy: And whereas it further appears from a letter of the Governor of Connecticut to General Sullivan, of the fifth of June instant, that by reason of the contiguity of that State to the State of New York, they had stipulated with the State of Massachusetts Bay to furnish out an additional number of Militia for the defence of Hudson's River, in lieu of which the State of Massachusetts Bay was to send an equal number for the defence of the State of Rhode Island and Providence Plantations.

*Resolved*, That it be and it is hereby most earnestly recommended to the States of New Hampshire and Massachusetts Bay that they immediately complete and send forward their quotas as stipulated at Springfield; and that the latter, over and above their quota, furnish the number of militia assigned to the state of Connecticut by the Convention at Springfield, in lieu of the additional number of militia sent to Hudson's river by the State of Connecticut in behalf of the State of Massachusetts Bay.

*Resolved*, That it be, and it is hereby most earnestly recommended to the State of Massachusetts bay, over and above the quota assigned to them for the defence of Rhode Island by the convention of Springfield, to compleat and send forward with all possible despatch, the number of men assigned by the said convention to the State of Con-

<sup>1</sup> This report, in the writing of Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 125.

necticut, in lieu of the additional number of militia sent to Hudson's river by Connecticut, in behalf of Massachusetts bay.<sup>1</sup>

*Resolved*, That General Washington be, and he is hereby directed to order the continental battalion raised by the State of Rhode Island and Providence Plantations, now in the main army, to the said State for the defence thereof, [if in his opinion the same may be done without any injury to the general interest of these United States.]<sup>2</sup>

*Resolved*, That the Board of War be, and they are hereby directed to furnish General Sullivan with two thousand stand of arms, including the number already ordered by the said Board, to be put into the hands of the State troops and militia under his command, from the arms lately imported into Portsmouth, in the State of New Hampshire, if any there be, or from some convenient magazine; and that they order General Sullivan to take particular care that the arms be delivered up by the militia before they leave the service.

*Resolved*, That the navy board in the eastern department be, and they are hereby empowered to cause to be built, equipped and manned, three large gallies for the defence of Providence, Warren, and Taunton rivers, or procure three suitable vessels for that purpose, if, upon advising with the council of war in the State of Rhode Island and Providence Plantations and General Sullivan, they shall judge the measure to be expedient.

*Resolved*, That a Warrant issue on the Treasury for two hundred thousand dollars, and on the Loan Office in the State of Rhode Island and Providence Plantations, for one hundred thousand dollars, in favour of said State, the State to be accountable.<sup>3</sup>

Committed to  
Treasury

<sup>1</sup> This paragraph was substituted for the above.

<sup>2</sup> The words in brackets were inserted by Henry Laurens.

<sup>3</sup> This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, II, folio 481.

*Ordered*, That the part of the report relative to advancing a sum of money to the State of Rhode Island &c., be referred to the Board of Treasury.

THREE O'CLOCK, P. M.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That 20,000 dollars be advanced to Joseph Nourse, pay master to the Board of War and Ordnance, for the contingent expences of the said Board; and for which sum he is to be accountable.

That two thousand dollars be advanced to the delegates of the State of Connecticut, 1,000 on the application of Mr. S[amuel] Huntington, and 1,000 upon the application of Mr. O[liver] Wolcott, two of the said delegates; the State to be accountable.<sup>1</sup>

The commissioners of claims report,

That there is due to Major James Armstrong Wilson, a balance in full for the pay of his own and Captain S[amuel] Postlethwaite's company, and of thirteen men belonging to different regiments in Brigadier Wayne's division, doing duty with Major Wilson's company from 1st April to 5 June instant, when the two companies were discharged, and for expences and charges in raising the said companies, the sum of 1,005 50/90 dollars:<sup>2</sup>

*Ordered*, That the said account be paid.

Congress took into consideration the representation from New Jersey, ||on the articles of confederation,|| which was read, as follows:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 387.

<sup>2</sup> This report, dated June 24, is in the *Papers of the Continental Congress*, No. 136, II, folio 383. It gives many details of the charges.



To the United States in Congress assembled. The representation of the Legislative Council and General Assembly of the State of New Jersey, sheweth,

That the articles of confederation and perpetual union, between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, proposed by the honorable the Congress of the said states, severally for their confirmation, have been by us fully and attentively considered: on which we beg leave to remark as follows:

1. In the fifth article, where, among other things, the qualifications of the delegates from the several states are described, there is no mention of any oath, test or declaration, to be taken or made by them previous to their admission to seats in Congress. It is indeed, to be presumed, the respective states will be careful that the delegates they send to assist in managing the general interests of the union, take the oaths to the government from which they derive their authority; but as the United States, collectively considered, have interests as well as each particular State, we are of opinion, that some test or obligation, binding each delegate while he continues in the trust, to consult and pursue the former as well as the latter, and particularly to assent to no vote or proceeding which may violate the general confederation, is necessary. The laws and usages of all civilized nations evince the propriety of an oath on such occasions, and the more solemn and important the deposit, the more strong and explicit ought the obligation to be.

2. By the sixth and ninth articles, the regulation of trade seems to be committed to the several states within their separate jurisdictions, in such a degree as may involve many difficulties and embarrassments, and be attended with injustice to some states in the union: we are of opinion, that the sole and exclusive power of regulating the trade of the United States with foreign nations, ought to be clearly vested in the Congress, and that the revenue arising from all duties and customs imposed thereon, ought to be appropriated to the building, equipping and manning a navy for the protection of the trade and defence of the coasts, and to such other public and general purposes as to the Congress shall seem proper, and for the common benefit of the states. This principle appears to us to be just, and it may be added, that a great security will by this means be derived to the union from the establishment of a common and mutual interest.<sup>1</sup>

<sup>1</sup>This paragraph was not inserted in the Journals by Charles Thomson, but by Thomas Edison.

3. It is wisely provided in the sixth article, that no body of forces shall be kept up by any State in time of peace, except such number only as in the judgment of the United States in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such states: we think it ought also to be provided and clearly expressed, that no body of troops be kept up by the United States in time of peace, except such number only as shall be allowed by the assent of nine states. A standing army, a military establishment, and every appendage thereof, in time of peace, is totally abhorrent from the ideas and principles of this State. In the memorable act of Congress, declaring the United Colonies free and independent states, it is emphatically mentioned, as one of the causes of separation from Great Britain, that the sovereign thereof had kept up among us, in time of peace, standing armies without the consent of the legislatures. It is to be wished the liberties and happiness of the people may by the confederation be carefully and explicitly guarded in this respect.

4. On the 8th article we observe, that as frequent settlements of the quotas for supplies and aids to be furnished by the several states, in support of the general treasury, will be requisite, so they ought to be secured. It cannot be thought improper or unnecessary to have them struck once at least in every five years, and oftener if circumstances will allow. The quantity or value of real property in some states may encrease much more rapidly than in others, and therefore the quota, which is at one time just, will at another be disproportionate.

5. The boundaries and limits of each State ought to be fully and finally fixed and made known: this we apprehend would be attended with very salutary effects, by preventing jealousies as well as controversies, and promoting harmony and confidence among the states. If the circumstances of the times would not admit of this, previous to the proposal of the confederation to the several states, the establishment of the principles upon which, and the rule and mode by which the determination might be conducted, at a time more convenient and favourable for despatching the same at an early period, not exceeding five years from the final ratification of the confederation, would be satisfactory.

6. The 9th article provides, that no State shall be deprived of territory for the benefit of the United States; whether we are to understand, that by territory is intended any lands, the property of which was heretofore vested in the crown of Great Britain; or that no mention of such lands is made in the confederation, we are constrained

to observe, that the present war, as we always apprehended, was undertaken for the general defence and interest of the confederating colonies, now the United States. It was ever the confident expectation of this State, that the benefits derived from a successful contest, were to be general and proportionate; and that the property of the common enemy, falling in consequence of a prosperous issue of the war, would belong to the United States, and be appropriated to their use. We are therefore greatly disappointed in finding no provision made in the confederation for empowering the Congress to dispose of such property, but especially the vacant and unpatented lands, commonly called the crown lands, for defraying the expences of the war, and for other such public and general purposes. The jurisdiction ought in every instance to belong to the respective states within the charter or determined limits of which such lands may be seated; but reason and justice must decide, that the property which existed in the crown of Great Britain, previous to the present revolution, ought now to belong to the Congress, in trust for the use and benefit of the United States. They have fought and bled for it, in proportion to their respective abilities, and therefore the reward ought not to be predilectionally distributed. Shall such states as are shut out by situation from availing themselves of the least advantage from this quarter, be left to sink under an enormous debt, whilst others are enabled, in a short period, to replace all their expenditures from the hard earnings of the whole confederacy?

7. The 9 article also provides, that the requisition for land forces to be furnished by the several states shall be proportioned to the number of *white* inhabitants in each. In the act of independence we find the following declaration: "We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness:" of this doctrine it is not a very remote consequence, that all the inhabitants of every society, be the colour of their complexion what it may, are bound to promote the interest thereof, according to their respective abilities. They ought therefore to be brought into the account on this occasion. But, admitting necessity or expediency to justify the refusal of liberty in certain circumstances to persons of a particular colour, we think it unequal to reckon nothing upon such in this case. Should it be improper, for special local reasons, to admit them in arms for the defence of the nation, yet we conceive the proportion of forces to be embodied ought to be fixed according to the whole number of inhabitants in the State,

from whatever class they may be raised. If the whole number of inhabitants in a State, whose inhabitants are all whites, both those who are called into the field, and those who remain to till the ground, and labour in mechanical arts and otherwise, are reckoned in the estimate for striking the proportion of forces to be furnished by that State, ought even a part of the latter description to be left out in another? As it is of indispensable necessity in every war, that a part of the inhabitants be employed for the uses of husbandry and otherwise at home, while others are called into the field, there must be the same propriety that persons of a different colour, who are employed for this purpose in one State, while *whites* are employed for the same purpose in another, be reckoned in the account of the inhabitants in the present instance.

8. In order that the quota of troops to be furnished in each State, on occasion of a war, may be equitably ascertained, we are of opinion that the inhabitants of the several states ought to be numbered as frequently as the nature of the case will admit, and once at least every five years. The disproportionate increase in the population of different states may render such provision absolutely necessary.

9. It is provided in the 9th article, that the assent of nine states out of thirteen shall be necessary to determine in sundry cases of the highest concern. If this proportion be proper and just, it ought to be kept up, should the states increase in number, and a declaration thereof be made, for the satisfaction of the Union.

That we think it our indispensable duty to solicit the attention of Congress to these considerations and remarks, and to request that the purport and meaning of them be adopted as part of the general confederation; by which means we apprehend the mutual interests of all the states will be better secured and promoted, and that the legislature of this State will then be justified in ratifying the same.

Whereupon, a motion was made,

That the several articles in the confederation, referred to in the representation of the State of New Jersey, be so far re-considered as to admit the purport and meaning of the additions, alterations, and amendments, proposed in the said representation:

Question put,

Passed in the negative, 3 ayes, 6 noes, one divided.

The delegates of Pennsylvania were then called on for the report of their constituents relative to the articles of confederation; Whereupon,

They moved in behalf of their State:

1. In the first paragraph of the 5th article, to expunge the words "for the remainder of the year:"

Question put,

Passed in the negative, 2 ayes, 8 noes, 1 divided.

2. That such part of the 9th article as respects the post office, be altered or amended, so as that Congress be obliged to lay the accounts annually before the legislature of the several states:

Question put,

Passed in the negative, 2 ayes, 9 noes.

3. In the 5th paragraph of the 9 article, to expunge the word "white:"

Question put,

Passed in the negative, 3 ayes, 7 noes, one divided.

4. In the last section of the 9th article, after the word "delegates," add "respectively:"

Question put,

Passed in the negative, 1 ay, 10 noes.

The delegates from Virginia being called on for the report of their constituents, relative to the articles of confederation, informed Congress,

That they are empowered to ratify the same as they now stand.

The delegates from South Carolina being called upon for the report of their constituents upon the confederation, moved in behalf of their State:

1. In article 4th, between the words "free inhabitants," to insert "white:"

Passed in the negative, 2 ayes, 8 noes, 1 divided.

2. In the next line, after "these states," insert "those who refuse to take up arms in defence of the confederacy:"

Passed in the negative, 3 ayes, 8 noes.

3. After the words "the several states," insert "according to the law of such states respectively, for the government of their own free white inhabitants:"

Passed in the negative, 2 ayes, 8 noes, 1 divided.

4. After the words "of which the owner is an inhabitant," insert "except in cases of embargo:"

Passed in the negative, 2 ayes, 9 noes.

5. In the 1 paragraph of 5 article, strike out "first Monday in November," and insert "nineteenth day of April:"

Passed in the negative, 1 ay, 9 noes, 1 divided.

6. In the 2 paragraph of 5 article, substitute "three," in place of "two," and "two" in place of "three," and "four" in place of "six:"

Passed in the negative, 2 ayes, 9 noes.

7. In 3 paragraph of 5 article, for "committee," read "grand council:"

Passed in the negative, 1 ay, 9 noes, 1 divided.

8. In the first paragraph of 6 article, for "prince or state," read "prince or foreign state, except the same be upon the subject of commerce, nor then so as to interfere with any treaty or alliance of the United States made or treaty proposed by Congress:"

Passed in the negative, 2 ayes, 9 noes.

9. In 2d paragraph of 6 article, strike out "by some nation of Indians," and after the words "to invade such state," insert "or upon requisition to assist a sister state actually invaded or threatened with an invasion:"

Passed in the negative, 3 ayes, 8 noes.

10. In 1 paragraph of 7 article, strike out the words "of or under the rank of colonel," and after "shall be appointed," insert "and commissioned:"

Passed in the negative, 2 ayes, 8 noes, 1 divided.

11. At the end of the 7 article add,

“The troops to be raised shall be deemed the troops of that State by which they are raised. The Congress or grand council of the states may, when they think proper, make requisition to any States for two-thirds of the troops to be raised; which requisition shall be binding upon the said states respectively; but the remaining third shall not be liable to be drawn out of the State in which they are raised, without the consent of the executive authority of the same. When any forces are raised, they shall be under the command of the executive authority of the State in which they are so raised, unless they be joined by troops from any other State, in which case the Congress or grand council of the states may appoint a general officer to take the command of the whole: and until the same can be done, the command shall be in the senior officer present, who shall be amenable for his conduct to the executive authority of the State in which the troops are, and shall be liable to be suspended thereby. The expences of the troops so to be raised, shall be defrayed by the State to which they belong; but when called into service by the United States, they shall be fed and paid at the expence of the United States:”

Passed in the negative, two ayes, nine noes.

12. In the 1st. line of 8 article, strike out the words “charges of war and all other:”

Passed in the negative, 2 ayes, 8 noes, 1 divided.

13. In the same article, strike out the words “according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint;” and instead of “and improvements thereon shall be estimated,” read “and improvements thereon shall by periods of years not exceeding ten, as often as may be required by Congress, be generally estimated by persons to be appointed by the legislatures of the respective states, to value the same upon oath:”

Passed in the negative, 2 ayes, 9 noes.

14. In the first paragraph of 9th article, strike out "appointing courts for the trial of piracies and felonies committed on the high seas," and in lieu thereof, insert "declaring what acts committed on the high seas shall be deemed piracies or felonies:"

Passed in the negative, 2 ayes, 9 noes.

15. In the second paragraph of 9 article, for "be the last resort on appeal," read "decide and determine," and strike out "all that relates to the mode of settling differences between states, and controversies concerning the private right of soil:"

Passed in the negative, 2 ayes, 9 noes.

16. In the 5 paragraph of 9 article, after the words "in any term of," strike out "three," and insert "two:"

Passed in the negative, 3 ayes, 7 noes, 1 divided.

17. In the 6 paragraph of 9 article, for "unless nine states," read "unless eleven states:"

Passed in the negative, 2 ayes, 9 noes.

18. At the end of the same paragraph, strike out the words "in Congress assembled:"

Passed in the negative, 1 ay, 10 noes.

19. In the last paragraph of the 9th article, after the words "and the yeas and nays of the delegates of each state on," for "any" read "every," and strike out the words "when it is desired by any delegate:"

Passed in the negative, 2 ayes, 9 noes.

20. In the same sentence, strike out the words "a state or," and the words "at his or their request," and after the words "and the" insert "respective states or the," and after "shall," insert "upon requisition:"

Passed in the negative, 1 ay, 10 noes.

21. In the last sentence of the 13 article, amend the last clause so as to read "unless such alteration be agreed to by eleven of the United States in Congress assembled,



and be afterwards confirmed by the legislatures of eleven of the United States:"

Passed in the negative, 3 ayes, 6 noes, 2 divided.

The delegate from Georgia being called on for the report of his constituents on the Confederation, informed Congress that he has not yet received any instructions or orders respecting the same; but that his State having shewn so much readiness to ratify the articles of Confederation, even in an imperfect state, and it being so much for their interest, that the confederation should be ratified, he had no doubt of their agreeing to it as it now stands.

Delaware and North Carolina absent ||not having delegates present in Congress, no report was received from them, saving what is contained in Governor Caswell's letter, informing, that the legislature of North Carolina have agreed to the articles of confederation.||

*Resolved*, That a committee of three be appointed to prepare the form of a ratification of the articles of confederation:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. G[ouverneur] Morris, and Mr. [Francis] Dana.

Adjourned to 10 o'Clock, to Morrow.

FRIDAY, JUNE 26, 1778.

A letter, of 24, from Major General Arnold, in Philadelphia, with a proclamation enclosed, was read:

Two letters of 18, from Governor Henry; one, of 25, from Colonel G. Morgan, and, one of 25, from the Board of War, with sundry papers enclosed, respecting Cornelius Sweers, whom they have arrested in consequence of the order of Congress.<sup>1</sup>

<sup>1</sup> The letter of Arnold is in the *Papers of the Continental Congress*, No. 162, folio 114; those of Henry are in No. 71, I, folios 153 and 157; that of Morgan is in No. 163, folio 301; and that of the Board of War, in No. 147, II, folio 129.

The committee appointed to prepare the form of a ratification of the articles of Confederation, brought in a form, which was agreed to as follows:

To all to whom these presents shall come: We, the undersigned delegates of the states affixed to our names send greeting.

Whereas, the delegates of the United States of America in Congress assembled, did, on the fifteenth day of November, in the year of our Lord one thousand seven hundred and seventy-seven, and in the second year of the independence of America, agree to certain articles of confederation and perpetual union between the states of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pensylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following, viz.

(Here insert the articles.)

Which articles were by Congress "proposed to the legislatures of all the United States, to be considered, and if approved of by them, they were advised to authorize their delegates to ratify the same in the Congress of the United States." And, whereas, it hath pleased the Great Governor of the World to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to ratify the said articles of confederation and perpetual union; KNOW YE, that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said articles of confederation and perpetual union, and all and singular the matters and things therein contained;

and we do further solemnly plight and engage the faith of our respective constituents that they shall abide by the determinations of the United States in Congress assembled, on all questions, which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual.

In witness whereof, we have hereunto set our hands, this        day of        in the year of our Lord 1778, and in the        year of the independence of the United States of America.

*Ordered*, That a copy of the Articles of Confederation, with the above ratification, be engrossed on parchment, in order that the same may be signed before Congress adjourn from this place.<sup>1</sup>

A petition of the 26th June from Henry Klein, was read:

*Ordered*, That it be referred to the Board of Treasury.

FOUR O'CLOCK, P. M.

The commissioners of claims, with the approbation of the auditor general, report,

That there is due, to John Brown, for his services as clerk to the Commercial Committee, from July 21st, 1777, to June 21st, 1778, 825 dollars:

That there is due to Jacob Funk, for two boxes with locks, and a large chest for the secretary's office, thirty two dollars:

That there is due to John Thaxter, for his services as clerk in the secretary's office, from the 6th May, to June 15th, inclusive, one hundred dollars, and for contingent expences for the use of the office, 4 78/90 dollars:

<sup>1</sup> From this point to the end of this day's proceedings this writing is that of Thomas Edison.

That there is due to Martin Breneise, for attending Congress, from June 1st to the 27th, inclusive, thirty six dollars, and for ringing the bell, the same time, 9 12/90 dollars:

That there is due to John Fisher, for renewing two copperplates for loan-office certificates, and making two letters in the device of the thirty dollar bills, 20 dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favor of the honble. James Smith, Esq<sup>r</sup>, a delegate of the State of Pennsylvania, for one thousand dollars, advanced upon his application; for which the State is to be accountable:

That a warrant issue in favor of the State of Rhode Island and Providence Plantations, for one hundred thousand dollars, on Joseph Clarke, commissioner of the United States loan office in the said State; one other warrant for fifty thousand dollars, on the treasurer of the said State; and one other warrant, for one hundred thousand dollars, on the treasurer of Connecticut; the last mentioned sums being part of a continental tax assessed in pursuance of a resolution of Congress of the 22d day of November last, on the said states respectively; ||the whole amounting to 250,000 dollars;|| the State of Rhode Island and Providence Plantations to be accountable:

That a warrant issue in favor of John Gibson, Esq. auditor general, for one million of dollars, on the treasurer, to be by him transmitted to Mr. Gibson, at Philadelphia, to answer the drafts of Congress; he to be accountable:

That a warrant issue on the treasurer in favor of Joseph Nourse, pay master of the Board of War and Ordnance,

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 391.

for three hundred thousand dollars, to be by him transmitted to Benjamin Stelle, deputy pay master in the State of Rhode Island and Providence Plantations; and that Ebenezer Hancock, Esq<sup>r</sup> deputy pay master general at Boston, be furnished with a copy of this order, who is to be accountable:

That a warrant issue on the treasurer in favor of the honble. Henry Laurens, Esq<sup>r</sup> president of Congress, for three thousand dollars, for the purpose of paying express messengers; for which he is to account:

That a warrant issue on the treasurer in favor of the honble. Roger Sherman, Esq<sup>r</sup> a delegate of the State of Connecticut, for one thousand dollars, it being advanced upon his application; for which the said State is to be accountable.<sup>1</sup>

The committee to whom were referred the proceedings of the house of assembly of Georgia, relative to an application of one million of dollars on loan, report,

“That the continental demands upon the treasury are so large and pressing, that so large a loan as is requested by the State of Georgia, cannot be granted; but as of the loan of one million of dollars, granted to Georgia in August last, the sum of 198,400 dollars remains unissued by the treasury, it is recommended that the sum of 198,400 dollars be forthwith issued and transmitted to Georgia, to compleat the loan of one million already granted:”<sup>2</sup>

*Resolved*, That the foregoing report be accepted.

*Ordered*, That the letter of the 25th instant, from the Board of War, be referred to a committee of three:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 389.

<sup>2</sup> This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 20, II, folio 439. It is indorsed “Offered to the House, 25<sup>th</sup> June, A. M.”

The members chosen, Mr. [James] Smith, Mr. [Francis] Dana, and Mr. G[ouverneur] Morris.

Adjourned to 9 o'Clock to Morrow.

SATURDAY, JUNE 27, 1778

A memorial from Colonel M[ichael] Swoope, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of Treasury.

A report from the Board of War was read:

AT A BOARD OF WAR, 26<sup>th</sup> June, 1778

The Board beg leave to recommend to Congress the following Gentlemen, to have Commissions granted for them in the Corps of North Carolina Light Dragoons, and that their Commissions bear date, agreeable to the enclosed Certificates, signed by the late General Nash, viz:

Samuel Ash, Captain 1<sup>st</sup> Troop, May 7, 1777.

Benjamin Mills, Lieut same troop, July 16, 1777.

William Buford, Cornet in d<sup>o</sup>, 16 July, 1777.<sup>2</sup>

*Ordered*, That it be referred to the committee of arrangement.

The committee to whom was referred the letter of 25, from the Board of War, respecting Cornelius Sweers, brought in a report, which was read; Whereupon,

*Ordered*, That Cornelius Sweers be sent to Philadelphia under guard, and that the commander in the city of Philadelphia be directed to order the said Cornelius Sweers to be there kept under guard till he shall be duly discharged.<sup>3</sup>

The committee to whom was referred the letter from Mr. Holker, brought in a report which was read;

On motion made to agree to the report,

Passed in the negative.

<sup>1</sup> This memorial, dated June 25, is in the *Papers of the Continental Congress*, No. 41, IX, folio 36.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 147, II, folio 183.

<sup>3</sup> This report, in the writing of Francis Dana, is in the *Papers of the Continental Congress*, No. 147, II, folio 129.

The articles of confederation being engrossed, with the ratification agreed to, was laid before Congress, and the same, upon examination, being found incorrect,

*Ordered*, That another copy be made out and laid before Congress on or before the 4 July next, and that the delegates of the respective states lodge with the secretary, their powers for ratifying the same.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Henry Klein, for five hundred dollars, to be advanced him; for which he is to be accountable.<sup>1</sup>

Adjourned to Thursday next, to meet at the State House in Philadelphia.

POWERS OF THE STATES TO THEIR DELEGATES, TO RATIFY THE ARTICLES OF CONFEDERATION.<sup>2</sup>

STATE OF NEW HAMPSHIRE:

IN THE HOUSE OF REPRESENTATIVES, *March 4<sup>th</sup>, 1778.*

The House took into consideration the thirteen Articles of Confederation and perpetual Union between the thirteen United States of America, as agreed to by the Honourable Congress of said States, and came to the following Resolution thereon, viz.

*Resolved*, That we do agree to said Articles of Confederation, perpetual Union, &c. &c. and do, for ourselves and constituents, engage that the same shall be inviolably observed by this State: and the delegates of this State for the time being, at the Congress aforesaid, are hereby empowered and instructed to ratify the same in behalf of this State.

Sent up for concurrence,

JOHN DUDLEY, *Speaker pro tem.*

In Council, the same day, read and concurred.

E. THOMPSON, *Secretary.*

Copy. Attest,

MESHECH WEARE, *President.*

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 393.

<sup>2</sup> None of these powers were inserted in the original Journal, but they are found in the corrected Journal, and in No. 9 (History of the Confederation) of the *Papers of the Continental Congress*. The originals are not in the Library of Congress. See entry under July 9, 1778, *post*.

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MASSACHUSETTS BAY:

COUNCIL CHAMBER, BOSTON, *March 10<sup>th</sup>, 1778.*

The General Court of the State of Massachusetts Bay, having attentively considered the Articles of Confederation and perpetual Union between the United States of America, recommended to our attention by the Honorable the Congress, do approve of them, in general, as well calculated to Secure the Freedom, Sovereignty, and Independence of the United States. Perhaps no plan could have been proposed better adapted to the circumstances of all. We, therefore, the Council and House of Representatives of this State, in General Court assembled, do, in the name and behalf of the good people of this State, instruct you, their delegates, to subscribe said Articles of Confederation and perpetual Union as they were recommended by Congress, unless the following alterations, or such as may be proposed by the other States, can be received and adopted without endangering the Union proposed.

In the name and behalf of the general assembly,

JEREMIAH POWELL, *President.*

*To the delegates of the State of Massachusetts Bay, in Congress.*

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RHODE ISLAND AND PROVIDENCE PLANTATIONS:

By his Excellency Nicholas Cooke, Esq. Governor, Captain General, and Commander in Chief, in and over the State of Rhode Island and Providence Plantations.

Be it known, that Henry Ward, Esq. who hath under his hand Certified that the annexed Copy, purporting an Act of the General Assembly of the State aforesaid, empowering the delegates of the said State in Congress to accede to and sign the Articles of Confederation and perpetual Union between the thirteen United States, is a true Copy, is Secretary of the said State, duly elected and engaged according to Law. Wherefore, unto his Certificate, of that matter, full faith and absolute Credit is, and ought to be universally rendered.

[L. s.] Given under my hand and the Seal of the said State, at Providence, this 18th day of February, in the year of our Lord one thousand seven hundred and seventy eight.

NICHOLAS COOKE.

By his Excellency's Command,

HENRY WARD, *Secretary.*



At the general assembly of the Governor and Company of the State of Rhode Island and Providence Plantations, begun and holden by adjournment at East Greenwich, within and for the State aforesaid, on the 2d Monday in February, in the year of our Lord one thousand seven hundred and seventy eight: This Assembly having taken into consideration the Articles of Confederation and perpetual Union between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, transmitted by Congress to this State, and having had them repeatedly read, and having maturely weighed and most seriously deliberated upon them as their importance to this and the other States, and to posterity, deserves; and considering also the pressing Necessity of compleating the Union as a measure essential to the preservation of the Independence and safety of the said States, do vote and Resolve, and it is voted and resolved, that the Hon. Stephen Hopkins, Esq. William Ellery, Esq. and Henry Marchant, Esq. the Delegates to represent this State in Congress, or any one of them be, and they are hereby, fully authorized and empowered, on the part and behalf of this State, to accede to and sign the said Articles of Confederation and perpetual Union, in such solemn form and manner as Congress shall think best adapted to a transaction so important to the present and future generations; provided, that the same be acceded to by eight of the other States: and in case any alterations in, or additions to, the said Articles of Confederation and perpetual Union, shall be made by nine of the said States in Congress assembled, that the said Delegates or any one of them be, and they are hereby authorized and empowered, in like manner, to accede to and sign the said Articles of Confederation and perpetual Union, with the alterations and additions that shall be so made. It is further voted and Resolved, that this Assembly will and do hereby, in behalf of the said State of Rhode Island and Providence Plantations, in the most solemn manner, pledge the faith of the said State to hold and consider the Acts of the said Delegates or any one of them, in so acceding to and signing the said Articles of Confederation and perpetual Union, as valid and binding upon the said State in all future time. And it is further voted and resolved, that a fair Copy of this Act be made and authenticated under the public Seal of this State, with the Signature of His Excellency the Governor, and be transmitted to the Delegates;

*June, 1778*

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and that the same shall be sufficient warrant and authority to the said Delegates or any one of them for the purposes aforesaid.

A true Copy duly examined,

Witness,

HENRY WARD, *Secretary*.

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CONNECTICUT:

At a General Assembly of the Governor and Company of the State of Connecticut, holden at Hartford, by adjournment, on the 12th day of February, 1778.

The Articles of Confederation and perpetual Union, proposed by Congress to be entered into by the thirteen United States of America, being laid before this Assembly by his Excellency the Governor, were read and maturely considered; Whereupon,

*Resolved*, That the Delegates of this State, who shall be present in Congress, be, and they are hereby fully authorized and empowered, in behalf of this State, to agree to and ratify the said Articles of Confederation, with such Amendments, if any be, as by them, in conjunction of the Delegates of the other States in Congress, shall be thought proper.

A true Copy of Record,

Examined by

GEORGE WYLLYS, *Secretary*.

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NEW YORK

The people of the State of New York, one of the United States of America, by the grace of God, free and Independent, to their brethren of the other of the said United States, in Congress Assembled, and to all others who shall see these our letters patent, send Greeting:

Know ye, That among the Acts of our Senate and Assembly of our said State, we have inspected a certain Act of the said Senate and Assembly, the tenor whereof is as follows, to wit: "An Act of Accession to and approbation of certain proposed Articles of Confederation and perpetual Union, between the United States of America, and to authorize the delegates of the State of New York to ratify the same on the part and behalf of this State in the Congress of the said United

States. Whereas, the freedom, Sovereignty, and Independence of the said States, which, with a Magnanimity, fortitude, Constancy, and love of liberty, hitherto unparalleled, they have asserted and maintained against their cruel and unrelenting enemies, the King and parliament of the realm of Great Britain, will, for their lasting and unshaken security, in a great measure depend, under God, on a wise and well concerted, intimate and equal confederation of the said United States: and whereas, the honorable the Congress of the said United States have transmitted, for the consideration of the Legislature of this State, and for ratification in case they should approve of the same, the following Articles of Confederation, to wit:

(Here the Articles are recited verbatim.)

And whereas the Senate and Assembly of this State of New York, in Legislature convened, have separately taken the said Articles of Confederation into their respective most deliberate and mature consideration, and by their several and respective resolutions, deliberately made and entered into for the purpose, have fully and entirely approved of the same. In order, therefore, that such approval may be published and made known to the whole world, with all the solemnities of Law, and that all the subjects of this State, and others inhabiting and residing therein, from time to time, and at all times thereafter, as long as the said Confederation shall subsist and endure, may be bound by and held to the due observance of the said Articles of Confederation, as a law of this state, if the same shall be duly ratified by all the said United States, in Congress assembled, be it enacted and declared by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, that the said several above recited Articles of Confederation, and, all and singular, the clauses, matters and things in the same contained, be, and the same are hereby, fully accepted, received and approved of, for and in behalf of the people of this State. And to the end that the same may, with all due form and solemnity, be ratified and confirmed by this State in Congress, be it further enacted by the authority aforesaid, that the delegates of this State in the said Congress of the United States of America, or any two of the said delegates, shall be, and hereby are, fully authorized, empowered, and required, wholly, entirely, and absolutely, for and in behalf of the people of this State, and in such manner, under such

formalities, as shall be determined in Congress, to ratify and confirm all and every of the said above recited Articles of Confederation, and, all and singular, the clauses, matters and things in the same contained; and an exemplification of this act, tested by his Excellency the Governor, or the Lieutenant Governor, or President of the Senate of the State for the time being, administering the Government, and authenticated with the great Seal of this State, shall be full and conclusive evidence of this Act. Provided, always, that nothing in this Act, or the said above recited Articles of Confederation, contained, nor any act, matter or thing to be done and transacted by the delegates of this State in Congress, in and concerning the premises, or any part thereof, shall bind, or oblige, or be deemed, construed or esteemed to bind or oblige the Government, Legislature, people, Subjects, inhabitants, or residents of this State, until the said above recited Articles have been duly ratified and confirmed by or in behalf of all the said United States, in Congress Assembled; any thing herein, or in the said above recited Articles of Confederation contained to the contrary thereof in any wise notwithstanding. At the bottom of which act we find the following Certificates, to wit: "In senate, Thursday, January 29<sup>th</sup>, 1778. This bill having been read three times, Resolved, that the bill do pass. By order of the Senate, PIERRE VAN CORTLANDT, President. In Assembly, Tuesday, February 3<sup>d</sup>, 1778. This bill having been read three times, Resolved, that the bill do pass. By order of the assembly, WALTER LIVINGSTON, speaker." And on the back of the said Bill, we find the following endorsement in writing, to wit: "In the Council for revising all bills about to be passed into Laws by the Legislature of the State of New York, on Friday, the 6th day of February, 1778. *Resolved*, that it does not appear improper to this Council, that the bill, entitled "An act of accession to, and approbation of, certain proposed Articles of Confederation and perpetual Union between the United States of America, and to authorize the delegates of the State of New York to ratify the same on the part and behalf of this State, in the Congress of the United States, should become a Law of this State. GEORGE CLINTON." In testimony whereof, we, the said people of the State of New York, have caused the said Act of our said Senate and assembly to be exemplified by these presents, and our great Seal of our said State to be hereunto appended.

Witness our trusty and well beloved George Clinton, Esq. our Governor of our said State, general and Commander in Chief of all the

Militia, and admiral of our Navy of the same, the 16th day of February, in the second year of our Independence and sovereignty, and in the Year of our Lord One thousand seven hundred and seventy eight.

GEORGE CLINTON.

By his excellency's command.

RICHARD HATFIELD, *Secretary*.

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PENNSYLVANIA:

The representatives of the freemen of the Commonwealth of Pennsylvania, in general Assembly met, to the Hon Benjamin Franklin, Doctor of Laws, Robert Morris, Esq. Daniel Roberdeau, Esq. Jonathan B. Smith, Esq. James Smith, Esq of York town, William Clingan, Esq. Joseph Reed, Esq Delegates for the said Commonwealth in the Congress of the United States of America, send Greeting:

Know ye, That we the said Representatives having taken into our most serious and weighty consideration and deliberation, the Articles of Confederation between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, lately transmitted to us by the Hon. Henry Laurens, Esq. President of the said Congress, do by this present instrument, signed by our Speaker, and sealed with the Seal of the Laws of this Commonwealth, accede to, ratify, confirm and agree to the said Articles; which said Articles are as follows, to wit:

(Here the Articles are recited verbatim.)

And we the said Representatives do hereby authorize, empower, require, and enjoin you, the said Benjamin Franklin, Robert Morris, Daniel Roberdeau, Jonathan B. Smith, James Smith, William Clingan, and Joseph Reed, or any two of you, in the Name of the said Commonwealth of Pennsylvania, to accede to, ratify, confirm, and agree to the said Articles of Confederation. In testimony whereof, we have caused the Seal of the Laws of Pennsylvania to be hereunto affixed, in general Assembly, at Lancaster, the 5th day of March, in the year of our Lord One thousand seven hundred and seventy eight.

(Seal appended.)

JOHN BAYARD, *Speaker*.

## VIRGINIA.

IN GENERAL ASSEMBLY, *December 15, 1778.*

*Resolved, Nemine contradicente,* That a speedy ratification of the Articles of Confederation between the United States of America, will confound the devices of their foreign, and frustrate the machinations of their domestic enemies; encourage their firm friends, and fix the wavering; contribute much to the support of their public Credit and the restoration of the value of their paper Money; produce Unanimity in their Councils at home, and add weight to their Negotiations abroad; and compleating the Independence of their Country, establish the best foundation of its prosperity.

*Resolved, Nemine contradicente,* That the Articles of Confederation and perpetual Union, proposed by Congress the 7th day of November last, between the States of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, and referred for approbation to the consideration of the several Legislatures of the said States, be approved and ratified on the part of this Commonwealth, and that our Delegates in Congress be accordingly authorized and instructed to ratify the same, in the name and on the behalf of this Commonwealth, and that they attend, for that purpose, on or before the Tenth day of March next.

ARCHIBALD CAEY, *Speaker of the Senate,*  
G. WYTHE, *Speaker of the House of Delegates.*

## NORTH CAROLINA:

State of North Carolina. In Senate, 25th of April, 1778.

To his Excellency Richard Caswell, Esquire, Captain General, Governor, and Commander in Chief, &c. &c.

SIR: The two houses of the general Assembly have taken into consideration the Confederacy proposed to the United States by the Continental Congress, and have Unanimously acceded thereto, and request your Excellency will be pleased to inform the president of the Continental Congress thereof by the earliest opportunity.

WHITMILL HILL, *S. S.*  
JOHN WILLIAMS, *S. C.*

By order, J. SITGREAVES, *C. S.*

## SOUTH CAROLINA:

IN THE GENERAL ASSEMBLY,  
*the 4th day of February, 1778.*

*Resolved, Nemine contradicente,* That the delegates of this State in the Continental Congress, or any three of them, be, and they are hereby authorized, on the part of this State, to agree to and ratify Articles of Confederation between the United States of America.

*Ordered,* That the foregoing Resolution be sent to the Hon. the Legislative Council for their concurrence, and to his Excellency the President for his assent.

By order of the House,

THOMAS BEE, *Speaker.*

IN THE LEGISLATIVE COUNCIL,  
*the 5th day of February, 1778.*

Read the foregoing Resolution of the general Assembly.

*Resolved,* That this house do concur with the general Assembly in the said Resolution.

*Ordered,* That it be sent to his Excellency the President for his Assent.

Assented to, February 5th, 1778.

J. RUTLEDGE.

By order of the House,

HUGH RUTLEDGE, *Speaker.*

## GEORGIA:

HOUSE OF ASSEMBLY,  
*Thursday, February 26<sup>th</sup>, 1778.*

The house resolved itself into a Committee of the whole house, to take into consideration the Articles of Confederation and perpetual Union, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Whitefield, from the Committee of the whole, reported, they had taken the said Articles into consideration and gone through the same, and made several amendments thereto, which were read and agreed to.

Extract from the Minutes,

GEORGE CUTHBERT, *Clerk.*

*July, 1778*

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**Report of the amendments to the Articles of Confederation and perpetual Union:**

4th article, 4th page, 4th line, add the words "white inhabitants:" 6th line, between the words "vagabonds and" add "all persons who refuse to bear Arms in defence of the State to which they belong, and all persons who have been or shall be attainted and Judged guilty of high treason in any of the United States."

9th article, 20th page, 20th line, between the words "emitted to" add "and the expenditure of the same:"

11th article, 25th page, between the words "Canada acceding" add "and the colonies of East and West Florida."

A true Copy from the Original, taken the 24th May, and examined by

GEORGE CUTHBERT, *C. H. A.*

HOUSE OF ASSEMBLY,

*Thursday, February 26th, 1778*

*Resolved*, That the Delegates for this State be authorized and required to lay before the general Congress of the United States the several alterations proposed and agreed upon by this house this day in the Articles of Confederation and that they do use their exertions to have such alterations agreed to and confirmed in Congress.

*Resolved*, That in case all or none of such alterations shall be agreed to and confirmed in Congress, that then and notwithstanding, they be empowered and required in behalf of this State, to sign, ratify, and confirm the several Articles of the Confederation recommended to the respective Legislatures of the United States by Congress, or any other plan of a general Confederation which shall be agreed upon by nine of the United States.

GEORGE CUTHBERT, *Clerk.*

**THURSDAY, JULY 2, 1778**

**PHILADELPHIA :**

According to adjournment, the president and a number of members met at the State House in Philadelphia on Thursday the 2d ||of July,|| and adjourned from day to day, to the present,



TUESDAY, JULY 7, 1778

When ten states appearing,

Mr. E[lias] Boudinot, a delegate from New Jersey, attended, and took his seat, and the following letters were read: viz.

One of the 21st, one of the 28, and one of 29 June, and one of the 1st July, from General Washington;<sup>1</sup>

One of 19 June, from General Heath, enclosing sundry letters that passed between him and Major General Phillips, consequent to the death of Lieutenant Richard Brown, of the troops of the convention of Saratoga who was shot by a centinel "for not stopping when repeatedly challenged, as he was riding out of the lines with two women:"<sup>2</sup>

*Resolved*, That Congress approve of Major General Heath's conduct respecting Major General Phillips, consequent upon the death of Lieutenant Richard Brown, of the troops of the convention.

*Ordered*, That an extract of General Heath's letter, with the letters that passed between him and Major General Phillips, together with the inquest held on the body of Lieutenant R. Brown, be published.

*Ordered*, That so much of General Heath's letter as relates to money, with the account of provisions issued to the troops of the convention of Saratoga, from 6 November, 1777, to 1 March, 1778, and those received in lieu thereof, be referred to the Board of Treasury.

Congress took into consideration the letter of the 29 June, and that of the 1 July, from General Washington,

<sup>1</sup> Washington's letter of June 21 is in the *Papers of the Continental Congress*, No. 152, VI, folio 127; that of the 28th is on folio 139; that of the 29th is on folio 143; and that of July 1, on folio 147.

<sup>2</sup>These papers and Heath's letter are in the *Papers of the Continental Congress*, No. 57, folio 283.

giving an account of his movements from Valley Forge to Monmouth court house, in the State of New Jersey, in pursuit of the enemy, and of the victory obtained over the British army commanded by General Clinton, in a battle near Monmouth court house, on the 28th June: Whereupon,

*Resolved, unanimously,* That the thanks of Congress be given to General Washington for the activity with which he marched from the camp at Valley Forge, in pursuit of the enemy; for his distinguished exertions in forming the order of battle; and for his great good conduct in leading on the attack and gaining the important victory of Monmouth over the British grand army, under the command of Lieutenant General Sir Henry Clinton, in their march from Philadelphia to New York.

*Resolved,* That General Washington be directed to signify the thanks of Congress to the gallant officers and men under his command, who distinguished themselves by their conduct and valour at the battle of Monmouth.

*Ordered,* That Mr. [Samuel] Huntington, Mr. [Oliver] Wolcott, and Mr. [Nathaniel] Scudder, have leave of absence.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, JULY 8, 1778

A letter, of 30 June, from Major General Putnam, was read:

*Ordered,* That it be referred to the Board of War.

A letter, of the 4 April, and one of 26 April, from Major General R. Howe, at Savannah, and one of 4 April, from J. Houston, governor of Georgia, were read:

*Ordered,* That they be referred to the Board of Treasury.

A letter, of 29 June, from Governor Trumbull, enclosing a letter to him from Duncan Stewart, of London; and one of the 27 May, from Mr. President Weare, of New Hampshire, were read.

A letter, of 25 June, from Governor Livingston, enclosing a copy of Ephraim Marsh's affidavit, was read:

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. [William] Duer, Mr. [Richard Henry] Lee, and Mr. [Elias] Boudinot.

A letter, of 3d, from Governor Livingston, was read, representing "the distressed condition of the Jersey brigade for want of cloathing:"<sup>1</sup>

*Ordered*, That it be referred to the Board of War, and that the said Board be directed to take speedy and effectual measures for supplying the Jersey brigade with necessary cloathing.

A letter, of 16 June, from Mr. John Carter, continental agent in Virginia, was read:

*Ordered*, That it be referred to the Committee of Commerce.

A letter, of 23 June, and one of 28 June, and another of 2 July, from General Gates, with a number of papers enclosed, were read:<sup>2</sup>

*Ordered*, That the same be referred to the Board of War.

The Board of War laid before Congress a letter, of 27 June, from General Schuyler, at Albany, with a copy of a letter from Mr. Deane, Indian interpreter, and a letter

<sup>1</sup> The letter of Putnam is in the *Papers of the Continental Congress*, No. 159, folio 135; Howe's letter of April 4 is in No. 160, folio 334; that of Trumbull, in No. 68, I, folio 400, and Stewart's is on folio 404; that of Weare, in No. 64, folio 25; that of Livingston, in No. 68, folio 387.

<sup>2</sup> Gates's letter of the 23d is in the *Papers of the Continental Congress*, No. 154, I, folio 445. It is indorsed: "Read at State House, Phila., 2 July, to members." That of the 28th is in No. 154, I, folio 453, and that of the 2d, in II, folio 3.

of 3 [2] July, from Colonel Butler, of Westmoreland, which were read:<sup>1</sup>

Whereupon,

*Resolved*, That the Board of War be directed to send for and confer with the Seneca chiefs who have lately quitted the city of Philadelphia, to enquire in what character and with what views they have come among us, whether as representatives or ambassadors of the Seneca nation; and whether the Seneca nation, as such, have committed hostilities against us, and report specially and immediately to Congress.

A letter, of 30th June, from General Heath, was read, with copy of a letter of 18 May, from B. Franklin and J. Adams, Esqrs. commissioners of the United States at Paris:

*Ordered*, That the letter from B. Franklin and John Adams, Esqrs. be published.

*Ordered*, That the cloathier general, or in his absence, his deputy in Philadelphia, be directed immediately to make out and lay before Congress an exact and particular invoice of all and every kind of the goods, wares, and merchandises which have been purchased or taken up by the cloathier general or any of his deputies within this city, together with a list of the names of the persons of whom they have been purchased, or from whom taken, and the prices at which they were purchased.

*Resolved*, That the governors of Maryland and Virginia be severally requested to take proper measures for giving the earliest intelligence to any French fleet or ships of war that may appear off the Bay of Chesapeake, of a fleet of British ships of war being ready to sail for North America, as by the information transmitted from the American commissioners at Paris; and that they be

<sup>1</sup>The letter of Butler is in the *Papers of the Continental Congress*, No. 78, II, folio 501.

respectively desired to accommodate any such French fleet or ships of war with good pilots for bringing them safely into the Bay, should they incline to come there:

That a similar request and proper advice be transmitted to each of the governors of North and South Carolina, and Georgia.

An application being made for an advance of 200,000 dollars to the State of New Jersey,

*Ordered*, That it be referred to the Board of Treasury.  
Adjourned to 9 o'Clock to Morrow.<sup>1</sup>

THURSDAY, JULY 9, 1778

Mr. Andrew Adams, a delegate from Connecticut, attended, and took his seat in Congress.

A letter, of 7, from General Washington, at Brunswick, was read: Whereupon,

*Ordered*, That the committee appointed to arrange the army, repair, without delay, to General Washington's head quarters, and proceed on the business committed to them.

A letter from Major Romand de Lisle, [dated Savannah, April 4] was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A memorial from officers belonging to different regiments of the State of Pennsylvania, was laid before Congress:

*Ordered*, That it be referred to the committee of arrangement.

A memorial from the lieutenants and masters in the navy and captains of marines, was read:

<sup>1</sup> A letter from Ethan Allen, dated June 17, was received on July 2, and ordered to lie on the table July 8. It is in the Library of Congress, *United States Revolution*, IV.

<sup>2</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 163; that of Romand de Lisle is in No. 78, XIX, folio 241.

*Ordered*, That it be referred to the Marine Committee.

A memorial from the Chevalier Faillie, was read :

*Ordered*, That it be referred to the Board of War.

*Ordered*, That Mr. [John] Hancock, and Mr. [William] Ellery have leave of absence.

On motion,

*Resolved*, That in the ratification of the articles of confederation, to be signed by the delegates, the following words be omitted, to wit: " which articles were by Congress proposed to the legislatures of all the United States, to be considered, and, if approved of by them, they are advised to authorize their delegates to ratify the same in the Congress of the United States."

The ratification of the articles of confederation, engrossed on a roll of parchment, being laid before Congress, was examined, and the blanks in the third line from the bottom being filled up at the table with the words "ninth," and "July," and the blank in the last line filled with the word "third," ~~the states were called upon to sign, beginning with New Hampshire,~~ and the same was signed, on the part and in behalf of their respective states, by all the delegates present, except by the delegates from the states of New Jersey, Delaware and Maryland, who informed Congress that they were not authorized to sign.|| of New Hampshire, Massachusetts bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, and South Carolina, agreeably to the powers vested in them.

The delegates of the states 'of New Jersey, Delaware, and Maryland, informed Congress that they have not yet received powers to ratify and sign.||

North Carolina, whose legislature has ratified the articles of confederation, and the State of Georgia, were not at this time present in Congress.

*Resolved*, That a committee of three be appointed to prepare a circular letter to the states in this union, that have not hitherto authorized their delegates in Congress to ratify the confederation, informing such states how many, and what states have already ratified the same, and desiring that such states will, with all convenient despatch, authorize their delegates to ratify the confederation in the Congress of the United States:

The members chosen, Mr. [Richard Henry] Lee, Mr. [Francis] Dana, and Mr. G[ouverneur] Morris.

~~Ordered, That the delegates of the several states lay upon the table the powers given by their constituents for ratifying the articles of confederation, in order that the same be entered on the journal, and the originals be lodged in the secretary's office.~~

Several members of Congress having intimated that they have received letters from some of the British commissioners;

*Ordered*, That all letters received by members of Congress from any of the British commissioners or their agents, or from any subject of the king of Great Britain, of a public nature, be laid before Congress.

Mr. R. Morris laid before Congress a letter directed to him, dated Philadelphia, June 16, 1778, and signed George Johnstone, which was read.<sup>1</sup>

*Ordered*, That the Committee of Commerce consult with the Board of War, and jointly agree with the governor of Virginia for such part of the *Roderique's* cargo, purchased by the State of Virginia, as they shall think wanting for continental use.

A letter, of this day, from Major General Arnold, was read.<sup>2</sup>

<sup>1</sup>A copy of this letter, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 78, XIII, folio 87.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 162, folio 118.

The Board of War, to whom was referred an invoice of sundry merchandise, consigned to Mr. Holker, and lately arrived at York town, brought in a report; Whereupon,

*Resolved*, That the Committee of Commerce be directed and authorized to contract with Mr. Holker for all the hats, blankets and shoes, specified in the said invoice, on such terms as they shall deem expedient.

*Resolved*, That Mr. [Elias] Boudinot be added to the committee to whom was referred the petition from the prisoners in New York.

The president laid before Congress a bill drawn on him by John Baynton, deputy pay master general, in favour of Colonel John Piper, for £2,074 14 4, Pennsylvania currency, being the amount of pay due the militia of Bedford county, in the continental service:

*Ordered*, That it be referred to the Board of Treasury.

Adjourned to 9 o'Clock to Morrow to meet in the College hall.

FRIDAY, JULY 10, 1778

Two letters, of the 6, from the Marquis de la Fayette, were read:

*Ordered*, That they be referred to the Board of War.

A letter, of 25 June, from Major General Heath, enclosing a copy of a letter from him to Major General Phillips; and a letter, of 1 instant, from Major General Schuyler; were read.<sup>1</sup>

The delegates from Pennsylvania laid before Congress the following letters, which were read, viz. one, of the 2d, from Samuel Hunter to John Hambright, Esq<sup>r</sup>; one, of

<sup>1</sup>The letters of Lafayette are in the *Papers of the Continental Congress*, No. 156, folios 18 and 17; that of Heath, in No. 57, folio 313; and that of Schuyler, in No. 153, III, folio 344.



the 8, from Robert Levers to George Bryan, Esq<sup>r</sup> vice president of Pennsylvania; and one, of the 7th, from Jacob Stroud to R. L. Hooper, Esq<sup>r</sup>

*Ordered*, That they be referred to the Board of War.

A petition from August Wille, was read:<sup>1</sup>

*Ordered*, That it lie on the table.

The Committee on the Treasury brought in a report: Whereupon,

*Ordered*, That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general, in favour of Colonel John Piper, for five thousand five hundred and thirty two and fifty two ninetieths dollars, to answer a draught in his favour from John Baynton, deputy pay master of the western district, dated Fort Pitt, April 27, 1778, for £2,074 14 4, Pennsylvania currency; the said John Baynton to be accountable:

That, upon application of Major General R. Howe, by his letter, dated Savannah, 26 April, 1778, a warrant issue on John Gibson, Esq. for two thousand and twenty nine dollars, in favour of Colonel Marbury, to reimburse part of a sum which he advanced for the payment and subsistence of the troops under the command of Major General Howe, who is to be accountable:

That a warrant issue on John Gibson, Esq<sup>r</sup> for one hundred thousand dollars, and another warrant on Joseph Borden, Esq<sup>r</sup> commissioner of the continental loan office in the State of New Jersey, for one hundred thousand dollars, in favour of the delegates of that State, it being agreeably to an application of the general assembly thereof, for the purpose of discharging the arrears due to their militia; the said State to be accountable.<sup>2</sup>

<sup>1</sup>This petition, dated July 3, is in the *Papers of the Continental Congress*, No. 42, VIII, folio 175.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 395.

The committee appointed to prepare a circular letter to the states in this union, that have not hitherto authorized their delegates in Congress to ratify the confederation, brought in a draft, which being read and amended, was agreed to as follows:

SIR: Congress, intent upon the present and future security of these United States, has never ceased to consider a confederacy as the great principle of union, which can alone establish the liberty of America and exclude for ever the hopes of its enemies. Influenced by considerations so powerful, and duly weighing the difficulties, which oppose the expectation of any plan being formed, that can exactly meet the wishes and obtain the approbation of so many states, differing essentially in various points; Congress have, after mature deliberation, agreed to adopt, without amendments, the confederation transmitted to the several states for their approbation. The states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, Pennsylvania, Virginia, North Carolina, and South Carolina, have ratified the same, and it remains only for your State with those of [ ] and [ ] to conclude the glorious compact, which, by uniting the wealth, strength, and councils, of the whole, may bid defiance to external violence and internal dissensions, whilst it secures the public credit both at home and abroad. Congress is willing to hope that the patriotism and good sense of your State will be influenced by motives so important, and they request, sir, that you will be pleased to lay this letter before the legislature of [ ] in order that, if they judge it proper, their delegates may be instructed to ratify the confederation with all convenient despatch; trusting to future deliberation to make such alterations and amendments as experience may shew to be expedient and just.

I have the honor to be, &c.

Adjourned to 9 o'Clock to Morrow.

**SATURDAY, JULY 11, 1778**

The president having informed Congress that a private letter, which he has received from President Lowndes, of the State of South Carolina, contains information of a public nature; a motion was made,

That the President be requested to communicate to Congress so much of the letter as relates to the public:

The previous question was moved and put, that that question be not now put;

Passed in the negative.

Whereupon, the main question being put,

Passed in the affirmative.

Whereupon, an extract of a letter, from his excellency President Lowdnes, of South Carolina, dated June 17, 1778, was laid before Congress, and read, respecting the cloathier's department in South Carolina, and to some practices relative to loan office certificates.<sup>1</sup>

*Ordered*, That so much of the extract as relates to the cloathier's department lie on the table, to be taken into consideration with the report of the committee on the cloathier general's department:

That so much thereof as relates to loan office certificates, be referred to the Board of Treasury.

A letter, of 7, from Robert Martin, lieutenant in the continental navy, at Snow Hill, was read, informing "that being there on furlough till called to duty, and hearing of a French fleet on the coast, he has presumed to go on board the said fleet without orders, apprehending he may be serviceable there."

A letter, of this day, from William Cross, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A letter, of this day, from Ebenezer Hazard, was read, Whereupon a motion was made.<sup>3</sup>

*Ordered*, That the letter and motion be referred to a committee of three:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [William] Duer, and Mr. S[amuel] Adams.

<sup>1</sup>This extract is in the *Papers of the Continental Congress*, No. 72, folio 461.

<sup>2</sup>The letter of Martin is in the *Papers of the Continental Congress*, No. 78, XV, folio 859; that of Cross is in No. 78, V, folio 181.

<sup>3</sup>This letter is in the Library of Congress, *United States Revolution*, IV.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general, for fifteen hundred dollars, in favour of John Hancock, Esq<sup>r</sup> it being for the sum of thirteen hundred dollars advanced Baron Steuben, at Boston, to enable him to prosecute his journey to confer with Congress at York town; and for two hundred dollars, the price of a horse delivered to the said Baron, who is to be accountable for the sum of 1,500 dollars:

That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general, for three thousand dollars, in favour of Henry Laurens, Esq<sup>r</sup> president of Congress, to pay expences of expresses.

*Resolved*, That the resolutions of Congress of the 19 May last, relative to bills of exchange, be so far re-considered, that the word "North," preceding the word "America," be omitted in the form of the bills; and that, in lieu of the words "To ———, of the United States of North America," be inserted "To the commissioner or commissioners of the United States of America at Paris."<sup>1</sup>

A letter, of 10 July, from S. Deane, Esq<sup>r</sup> Delaware Bay, was read, informing Congress of his arrival on board the *Languedoc*, commanded by his excellency the Count d'Estaing, with a fleet of 12 sail of the line, and four frigates, that sailed from Toulon 10 April:

*Ordered*, That it be referred to a committee of three, and that they be directed to take the speediest measures for furnishing the Count d'Estaing with a sufficient number of skilful pilots:

The members chosen, Mr. [William] Duer, Mr. J[onathan] B[ayard] Smith, and Mr. [Elias] Boudinot.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 397.

A letter, of the 8, from Count d'Estaing, commander of the French fleet, was read;<sup>1</sup> Whereupon,

*Resolved*, That General Washington be informed by Mr. President, that it is the desire of Congress that he co-operate with his excellency Count d'Estaing, commander of a French squadron now on the coast of North America, and proceeding to New York, in the execution of such offensive operations against the enemy as they shall mutually approve.

His most Christian Majesty the King of France, having thought proper to send on the coasts a powerful fleet, in order to co-operate with the forces of these states, in the reduction of the British army and navy:

*Resolved*, That General Washington be empowered to call on the states of New Hampshire, Massachusetts bay, Connecticut, Rhode Island, New York, New Jersey, or such of them as he shall judge proper, for such aids of their militia as he shall think requisite for carrying on his operations in concert with Count d'Estaing, commander of the French fleet; and that it be earnestly recommended to the states above mentioned, to exert themselves in forwarding the force which may be required from them with the utmost despatch.

*Ordered*, That the Board of Treasury supply Mons. de Chuin, ||who is on his way from Count d'Estaing to General Washington,|| with any sum he may stand in need of, not exceeding 20,000 French livres, to be charged to account of his excellency Mons. Gérard, minister plenipotentiary from his most Christian majesty the King of France.

*Ordered*, That the quarter master supply Mons. Chuin with horses or carriages to convey him to General Washington's head quarters.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 164, folio 542.

*Resolved*, That the Marine Committee be directed to order the commissioners of the navy to the eastward, to fit out as many continental frigates and armed vessels as possible, with the utmost despatch, to join the French squadron in their operations against the enemy.

*Ordered*, That the Board of War take measures for providing a suitable house for the accommodation of the Sieur Gérard, minister plenipotentiary, ||who is arrived in the *Languedoc*;|| and that they give the necessary orders for receiving Mons. Gérard with proper honours on his arrival ||in this city.||

*Resolved*, That a committee of five be appointed to wait on Mr. Gérard, on his arrival, and conduct him to his lodgings:

The members chosen, Mr. [John] Hancock, Mr. [Richard Henry] Lee, Mr. [William Henry] Drayton, Mr. [Daniel] Roberdeau, and Mr. [William] Duer.

Adjourned to 9 o'Clock on Monday.

MONDAY, JULY 13, 1778

Mr. [Edward] Telfair, a delegate from Georgia, attended and produced the credentials of his appointment, which were read as follows:

HOUSE OF ASSEMBLY, *Thursday, February 26, 1778.*

The house proceeded to ballot for delegates to represent this state in Congress for the ensuing year, when the following gentlemen were chosen, to wit: Lyman Hall, George Walton, Joseph Clay, John Walton, Edward Telfair, Joseph Wood, and Edward Langworthy, esqrs.

Extract from minutes,

GEORGE CUTHBERT, *Clerk.*

Mr. [John] Harvie, a delegate from Virginia, and

Mr. [James] Forbes, a delegate from Maryland, attended, and took their seats in Congress.

A letter, of 11, from the Council of Pennsylvania, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 4, from Governor Henry, ||of Virginia,|| was read;<sup>1</sup> Whereupon,

*Resolved*, That the President write by express to Governor Henry, and request him to spare, for the use of the army of the United States, all the vinegar composing part of the cargo of the ship *Roderique*, purchased by the State of Virginia.

The Committee for Foreign Affairs laid before Congress a letter from Dr. Edward Bancroft, dated 31 March last which was read, and returned to the Committee.

The Committee on the Treasury brought in a report, which was read:

*Ordered*, That the consideration thereof be postponed till to Morrow.

A letter, of 13, from E. Blaine, deputy commissary general of purchases, was read;<sup>2</sup> Whereupon,

*Resolved*, That a warrant issue on John Gibson, auditor general, in favour of Ephraim Blaine, on his application, for 300,000 dollars, for the use of his department; Colonel J. Wadsworth to be accountable, and that Colonel Wadsworth be informed of this application and order.

A letter, of this day, from Timothy Matlack, secretary, with a copy of a letter from Samuel Hunter, county lieutenant, to Colonels Henry Shoemaker, Michael Lindawood, and others, commanders of militia in Berks county, were read:

*Ordered*, That the letter from Samuel Hunter be referred to the Board of War, and that the letter from T. Matlack be referred to a committee of four;

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 71, I, folio 161.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 165, folio 303.

The members chosen, Mr. [John] Banister, Mr. G[ouverneur] Morris, Mr. [Samuel] Chase, and Mr. [Francis] Dana.

*Resolved*, That the commissary general be directed to furnish the French squadron, under Mons. le Compte d'Estaing, vice admiral of France, with such provisions, from time to time, as shall be directed by the Marine Committee, and to make return of his proceedings and expenditures on this occasion to that committee.

*Ordered*, That the Committee of Commerce render an account to Congress of the quantities of tobacco which they have purchased, how they have been disposed of, and what quantities still remain in the states of Virginia and Maryland.

A letter, of 1, from James Jay, at Boston, was read.<sup>1</sup>

The committee to whom the petition from the officers, prisoners of war on Long Island, was referred, brought in a report, which was read; and after being debated, the determination thereof was postponed at the request of a State.

An application being made by John Nicholson, late captain of the *Hornet*, and also an application from Henry Johnson, late captain of brig *Lexington*, in the service of the United States, which vessels they have respectively lost, desiring to know which way they are to proceed, in order to have their conduct enquired into:

*Ordered*, That the said applications be referred to the Marine Committee, and that they be directed to take order thereon.

A motion being made, respecting Carpenter Wharton,

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. [Samuel] Chase, and Mr. [Roger] Sherman.

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 89.



**TUESDAY, JULY 14, 1778**

A letter, of 12, from John Harris, at Paxton, directed to the secretary of Congress, on public service, was laid before Congress, and read:

*Resolved*, That it be referred to the Board of War, and that the Board of War be directed, in conjunction with the supreme executive council of Pennsylvania, to take the most speedy and practicable measures for repelling the present irruption of the Indians, and for protecting the continental magazine at Carlisle.

The Sieur Gérard ||being arrived in town, and|| having delivered to the President a copy of a letter from his most Christian Majesty, signed Louis, and underneath Gravier de Vergennes, the same was read; Whereupon,

*Resolved*, That his excellency le Sieur Gérard be received as minister plenipotentiary from his most Christian Majesty to the Congress of the United States of America.

*Resolved*, That it be referred to a committee of three to report to Congress on the time and manner of the public reception of Mons. Gérard, minister plenipotentiary of his most Christian Majesty, the King of France.

The members chosen, Mr. [Richard Henry] Lee, Mr. S[amuel] Adams, and Mr. G[ouverneur] Morris.

Adjourned to 9 o'Clock to Morrow.

**WEDNESDAY, JULY 15, 1778**

Mr. J[oseph] Reed, ||a delegate for Pennsylvania,|| attended, and took his seat in Congress.

A letter, of 12, from General Washington, at his camp, at Pyramus, and one of the 12, from R[ichard] Wescot, at the Forks of Little Egg Harbour; and

Sundry papers from his excellency the Sieur Gérard, were read.

A letter, of 25 March, from Mons. le Comte de Vergennes by S. Deane, Esq. was read.

A letter, of 23 March, from the Honble. W. Lee, at Paris, was read, and referred to the Committee for Foreign Affairs.

A letter, of 10, from General Gates, at White Plains, was read.<sup>1</sup>

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general, for five thousand five hundred dollars, in favour of Mr. S[amuel] Adams, Mr. [Elbridge] Gerry, Mr. [Francis] Dana, Mr. [James] Lovell and Mr. [Samuel] Holten, delegates of the State of Massachusetts bay, advanced on their application; the said State to be accountable:

That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general for 80,000 dollars, in favour of the Marine Committee, to enable them to pay a bill drawn on them by the navy board of the eastern department, dated 11 May, in favour of Nathaniel Shaw, Esq<sup>r</sup> the said committee to be accountable:

That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general, in favour of the Committee of Commerce, for 417 35/90 dollars, to enable them to pay James and Adam Hunter, of Virginia, the balance of their account, dated 29 May last: the said Committee to be accountable:

That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general, for 924 dollars, in favour of John Knight, in

<sup>1</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 167. It is printed in *Writings of Washington* (Ford), VII, 96. The letter of Wescot is in No. 78, XXIII, folio 509; that of Gates, in No. 154, II, folio 7.

discharge of two bills of exchange, drawn by John Ashe, treasurer of the State of North Carolina, one dated January 29, 1777, for 799 dollars, in favour of Thomas Craike, the other dated May the 10, 1777, for 125 dollars, in favour of Benjamin Williams; the said State of North Carolina to be accountable:<sup>1</sup>

That a warrant issue on John Gibson, Esq. auditor general, in favour of Mr. Joseph Nourse, pay master to the Board of War and Ordnance, for thirty thousand four hundred and ninety four and 15/90 dollars, upon the application of the Board of War, to answer a draught of Nathaniel Shaw, Jun. New London, in favour of Captain John Mitchel, dated 4 May, 1778, for duck and lead; the said Joseph Nourse to be accountable.<sup>2</sup>

A letter, of 30th June, from Hewes, Smith and Allen, at Edenton, was read:

*Ordered*, That it be referred to the Committee of Commerce.

*Resolved*, That three members be added to the Committee of Commerce:

The members chosen, Mr. [Edward] Telfair, Mr. [John] Harvie, and Mr. Andrew Adams.

A petition from John Brown, ensign of Colonel Grea-ton's regiment, under sentence of death, was read:<sup>3</sup>

*Ordered*, That the said petition be dismissed.

Congress took into consideration a memorandum from the Sieur Gérard, respecting prisoners taken by the squadron of his most Christian Majesty, commanded by the Count d'Estaing, being one of the papers received and read this morning: Whereupon,

*Resolved*, That all prisoners taken, or which may be taken by the squadron of his most Christian Majesty,

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 401.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 408.

<sup>3</sup> This petition is in the *Papers of the Continental Congress*, No. 157, folio 129.

under the command of Count d'Estaing, vice admiral of France, be received by the commissary general of prisoners, and that he provide for their safe custody and subsistence in like manner as hath been usual for the prisoners of these states:

That he may make monthly returns of all prisoners, which shall be by him so received, to the Board of War:

That he may make monthly return to the treasury of the accounts of all monies expended for the purposes aforesaid; and that the said prisoners be held at the disposition of his most Christian Majesty, and subject to the orders of his excellency Mons. the Count d'Estaing.

*Resolved*, That all officers in the service of these states be directed to pay proper attention to the above resolution.

*Ordered*, That the paper relative to signals, received from his excellency the Sieur Gérard, and read this morning, be referred to the Marine Committee.

*Ordered*, That an extract of another paper from the Sieur Gérard, relative to the encouragement given by Count d'Estaing to American armed vessels, whether public or private, be published.

*Ordered*, That the note from the Sieur Gérard, relative to Mr. Towson, a native of Maryland, one of the prisoners taken by the Count d'Estaing ||setting forth, "that among the prisoners of war, for the guard and subsistence of which he has desired Congress to provide, there is one of the name of Towson, a native of Maryland; that the birth of this captain in one of the United States, and the sentiments he has expressed for his country, have determined the Sieur Gérard to refer the decision of his fate to Congress, who may grant him his full liberty if they judge him worthy of this favor," || be referred to the delegates of Maryland.

A letter, of 11, from J. Wadsworth, commissary general, was read:

*Ordered*, That it be referred to the Board of Treasury.

Congress resumed the consideration of the report of the Committee of the Treasury of the 13th: Whereupon,

*Resolved*, That a treasurer of loans be appointed, whose duty it shall be to sign loan office certificates and bills of exchange for the payment of interest arising on such certificates, which shall be struck by order of Congress; to deliver such certificates and bills of exchange agreeably to the orders of the Board of Treasury; to receive such bills of credit as Congress shall, from time to time, order to be sunk and destroyed, and to perform such other services, incident to his office, as may hereafter be ordered by Congress or the Board of Treasury:

That the treasurer of loans be allowed a salary at the rate of two thousand dollars a year.<sup>1</sup>

*Ordered*, That Friday next be assigned for electing a treasurer of loans.

A petition of the Marquis de Vienne, was read, and the same being taken into consideration:<sup>2</sup> Whereupon, a resolution was moved, in the words following:

"The Marquis de Vienne, a major in the service of the king of France, having served with reputation as a volunteer in the American army during the present campaign, and having requested Congress to honor him with the brevet commission of a colonel, without any pay annexed to the said rank:"

*Resolved*, That the request of the Marquis de Vienne be complied with, and that a brevet commission of colonel in the service of the United States be conferred on him.

<sup>1</sup>This report, dated July 13, is in the *Papers of the Continental Congress*, No. 136, II, folio 399. It is indorsed as read on the 13th, and "consideration postponed till to-morrow."

<sup>2</sup>This petition is in the *Papers of the Continental Congress*, No. 42, VIII, folio 29.

A motion was made, before the word "colonel" to insert the word "lieutenant:" and the yeas and nays being required by Mr. [Henry] Marchant,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	ay	ay	Mr. R. Morris,	no	} div.
<i>Massachusetts bay,</i>			Reed,	ay	
Mr. Gerry,	no	} no	<i>Maryland,</i>		
Dana,	no		Mr. Chase,	no	} no
Holten,	ay		Forbes,	no	
Lovell,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. R. H. Lee,	no	} no
Mr. Marchant,	ay	ay	Banister,	no	
<i>Connecticut,</i>			T. Adams,	no	
Mr. Sherman,	no	} no	Harvie,	ay	
Hosmer,	no		<i>South Carolina,</i>		
A. Adams,	no		Mr. Laurens,	no	} no
<i>New York,</i>			Mathews,	ay	
Mr. Duer,	no	}	Heyward,	no	
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Witherspoon,	no	} no	Mr. Telfair,	ay	ay
Elmer,	ay				
Boudinot,	no				

So it passed in the negative.

The question was then put on the original motion; the yeas and nays being required by Mr. [Henry] Marchant,

<i>New Hampshire,</i>			<i>New York,</i>		
Mr. Bartlett,	no	no	Mr. Duer,	ay	}
<i>Massachusetts bay,</i>			<i>New Jersey,</i>		
Mr. Gerry,	ay	} ay	Mr. Witherspoon,	ay	} ay
Dana,	ay		Elmer,	no	
Holten,	no		Boudinot,	ay	
Lovell,	ay		<i>Pennsylvania,</i>		
<i>Rhode Island,</i>			Mr. R. Morris,	ay	} div.
Mr. Marchant,	no	no	Reed,	no	
<i>Connecticut,</i>			<i>Maryland,</i>		
Mr. Sherman,	no	} ay	Mr. Chase,	ay	} ay
Hosmer,	ay		Forbes,	ay	
A. Adams,	ay				

<i>Virginia,</i>		<i>South Carolina,</i>	
Mr. R. H. Lee,	ay	Mr. Laurens,	ay
Banister,	ay	Mathews,	no
T. Adams,	ay	Heyward,	ay
Harvie,	ay	<i>Georgia,</i>	
		Mr. Telfair,	no

So it passed in the affirmative.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, JULY, 16, 1778

A proposal from Captain John Michel, commander of the French ship *Lion*, in York river, Virginia, to enter into a treaty or agreement with Congress for importing goods, was read:

*Ordered*, That it be referred to the Committee of Commerce.

Mr. [Francis] Dana laid before Congress a letter which he received from Governor G. Johnstone, one of the commissioners from the King of Great Britain, together with an extract of the same, as far as relates to public matters, which extract was compared with the original and lodged with the secretary, and the original was returned.<sup>1</sup>

Dr. [John] Witherspoon laid before Congress sundry letters he received from his friends in Scotland, and the same containing nothing important of a public nature, were returned.

The delegates of Maryland, to whom was referred the note from the Sieur Gérard, setting forth "that among the prisoners of war for the guard and subsistence of which he has desired Congress to provide, there is one of the name of Towson, native of Maryland; that the birth

<sup>1</sup> This copy, in the writing of Francis Dana, is in the Library of Congress, *United States Revolution*, IV.

of this captain in one of the United States, and the sentiments he has expressed for his country, have determined the Sieur Gérard to refer the decision of his fate to Congress, who may grant him his full liberty, if they judge him worthy of this favour," brought in a report, which was taken into consideration; Whereupon,

*Resolved*, That full liberty be granted to Captain Towson.

Mr. J[ohn] Penn, a delegate from North Carolina, attended, and produced his credentials, which were read as follows:

(L. S.) STATE OF NORTH CAROLINA:

To John Penn, Cornelius Harnett, and John Williams, esqrs. greeting.

Whereas, the general assembly have elected you delegates to attend the Congress of the United States: these are therefore to commissionate, authorize, and empower you, the said John Penn, Cornelius Harnett, and John Williams, to attend the said Congress of the United States of America, in behalf of this state, for one year, from the 28th day of April last, unless sooner recalled by the general assembly; and you are hereby invested with such powers as may make any act done by you, or consent given in the said Congress in behalf of this state, obligatory upon every inhabitant thereof. Witness, Richard Caswell, esq. governor, captain general, and commander in chief of the said state, under his hand and seal at arms, at Newbern, the 2d day of May, Anno Domini 1778, and in the second year of our independence.

R. CASWELL.

By his excellency's command,

J. GLASGOW, *Secretary*.

The Sr. Gérard, having transmitted to Congress a copy of the speech he intends to deliver at his public audience,

*Ordered*, That it be referred to a committee of three:

The members chosen: Mr. [Richard Henry] Lee, Mr. G[ouverneur] Morris and Mr. [John] Witherspoon.

The Sr. Gérard having also transmitted to Congress a paper, thanking Congress for the quick despatch with which they have provided for the first wants of the French squadron, and accompanied with a memorandum of the



provisions which will hereafter be necessary; also notifying that Mr. Holker is commissioned "agent of the marine of France," and desiring that Congress would make him known as such, where it may be necessary:

*Ordered*, That the same be referred to the Marine Committee.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer for five hundred and twenty-four thousand dollars, in favour of the Marine Committee, advanced upon their application, for the use of the navy board in the eastern department; the said Committee to be accountable:

That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general, for fifty thousand dollars; and another warrant on John Lawrence, Esq<sup>r</sup> commissioner of the continental loan office in the State of Connecticut, for one hundred thousand dollars; in favour of William Buchanan, Esq. late commissary general of purchases, to be by him transmitted to Peter Colt, Esq<sup>r</sup> deputy commissary general of purchases for the eastern district; the said William Buchanan, Esq<sup>r</sup> to be accountable:

That a warrant issue on John Gibson, Esq<sup>r</sup> auditor general, for thirty-seven thousand five hundred and seventy 30/90 dollars, in favour of James Mease, Esq<sup>r</sup> cloathier general, to enable him to answer two draughts of Messrs. Otis and Andrews, one in favour of Captain John Mitchel, for twenty seven thousand five hundred and seventy and 30/90 dollars, the other in favour of Mr. P. Gourage, for ten thousand dollars; the said James Mease, Esq. to be accountable.<sup>1</sup>

The committee appointed to report on the time and manner of the public reception of Mons<sup>r</sup> Gérard, Minister

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 405.

plenipotentiary of his most Christian Majesty, the King of France, brought in a report, which was taken into consideration, and after some time spent thereon,

*Ordered*, That the farther consideration thereof be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, JULY 17, 1778

A letter, of 14, from General Washington, at Pyramus, Bergen county, in the State of New Jersey, and a letter of 16, from J. Nourse, pay master of the Board of War and Ordnance, were read:<sup>1</sup>

*Ordered*, That the letter from J. Nourse, be referred to the Board of Treasury.

A letter, of 16, from the Board ||of War,|| was read, informing that the express sent to bring back the Seneca chiefs, is returned; but that the chiefs would not consent to return, and that the Board did not think themselves authorized to use force in the case:<sup>2</sup> Whereupon,

A motion was made, that a letter be written to General Schuyler and the commissioners of Indian Affairs, acquainting them that Congress have received probable information that the Seneca nation, or some of them, have very lately committed hostilities against these States, and directing the said commissioners to take prudent but effectual measures for detaining the Seneca chiefs now among us, and on their way to Albany, till full information be obtained upon the subject, unless they should have cogent reasons to the contrary:

Question put,

Passed in the negative.

<sup>1</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 171.

<sup>2</sup> This letter, prepared by Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 135.

A letter, of this day, from Cornelius Sweers, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War, and that they issue such orders relative to the place of Mr. Sweers's confinement, until his conduct can be examined, as they shall judge sufficient for the security of his person.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on John Gibson, Esq. auditor general, for two hundred dollars, in favour of Mr. Mosley, copper plate printer, advanced him on account.

*Ordered*, That the remainder of the report be re-committed.

The Rev. Mr. Armstrong being recommended as chaplain to the second brigade of Maryland forces.

*Resolved*, That the Rev. Mr. James Francis Armstrong be appointed chaplain to the second brigade of Maryland forces,

*Resolved*, That Mr. [John] Penn be appointed a member of the Marine Committee, for the State of North Carolina.

Congress resumed the consideration of the report relative to the reception of the Sieur Gérard, minister plenipotentiary from his most Christian Majesty the King of France, and after some time spent thereon,

The Committee to whom it was referred to report upon the reception of foreign Ministers beg leave to observe

That Ministers being of three different classes, viz,  
Postponed. on reconsidering Agd. 20 July proposed amendment rejected. 1<sup>st</sup> Ambassadors, 2<sup>nd</sup> Ministers Plenipotentiary and Envoys, and 3<sup>rd</sup> Residents, it will be necessary to establish a ceremonial for each according to their relative dignity. Then your Committee report for an Ambassador, the following ceremonial, viz.

When he shall arrive within any of the United States he shall receive from any battery, fort or castle the same salute or other

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 235.

honors which are paid to the Flag of the Prince or State which he shall represent. Also at all places where there are guards, centries or the like, he shall receive the same military honors and respect which are paid to a general officer in the service of the United States of the highest rank. When he shall arrive at the place in which the Congress shall be, he shall wait upon the President and deliver his credentials or copies thereof. Three members of Congress shall then be deputed to wait upon him and inform him when and where he shall receive Audience of the Congress. At the time he is to receive his audience the three members shall again wait upon him in a coach belonging to the States, and the person first named of the three shall return with the ambassador and his secretary in the coach, giving to the ambassador the right hand and placing himself on his left with the Secretary, on the front seat, and the other two members shall return in a Chariot.

When the ambassador is arrived at the door of the Congress Chamber the member who presents him shall announce him to the President, and they shall bow to each other. The President shall then announce him to the whole house, who shall bow to him and he to them. He and the President shall then again bow to each other, and be seated; after which the members shall sit down. The President shall be seated

Reconsidered  
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jected, then post-  
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Agd.

on a chair raised upon a stage two feet above the ground, and the ambassador on a chair directly opposite to him, and raised eighteen inches. The ambassador shall then sitting in his chair speak to the President and receive an answer, after which the ambassador, the President and the whole house, shall again rise, and the ambassador shall retire in the manner in which he was introduced, not bowing or being bowed unto. The same persons shall wait on him upon his return who went to bring him to the house. His title shall be Excellency.

2<sup>nd</sup> Your Committee report for a Minister Plenipo or Envoy the following ceremonial to wit,

He shall not receive the salute; but he shall receive such military honors as are paid to a general officer of the second rank in the armies of the United States. He shall in like manner with the ambassador wait on the President. He shall be waited on by two members with the Master of the ceremonies. He shall ride in the Coach belonging

Agd. and on re-  
considering. 20  
July.

to the States, with one of the members as before. The other member with the Master of ceremonies shall ride in the Chariot. He shall be presented by the member and announced to the President and the House, and bow and be bowed

unto by them, and the President shall then again bow unto each other and be seated, after which the House shall sit down. Having spoken and being answered he and the President shall bow to each other, at which time the House shall bow, and then he shall be conducted home in the manner in which he was brought to the House. He shall be entitled *Honorable*.

Your Committee Report for a Resident the following ceremonial.

He shall when he arrives at the place of the sitting of Congress wait on the President as before. He shall be waited upon by the Master of the ceremonies, and by him brought to the House in the Coach. He shall be announced and make one bow to the President and the

*Postponed on reconsidering 20 July.* House and receive one, and the whole be seated together. His chair shall not be raised from the floor. Having spoken and being answered, He and the President shall bow to each other. When again he shall bow to and be bowed to by

*Agd.* the President and the whole house and be conducted home in the same manner in which he was brought to the house. He shall have no title.

[And further after the audience the Members of Congress [[shall pay the first visit to an ambassador and they]] shall be first visited by a minister Plenipotentiary or Envoy [[and by a Resident]]<sup>1</sup> The Secretary of Congress, Treasurer, President of the Board of War, and the like, shall pay the first visit to a Plenipotentiary or Envoy, and shall receive it from a Resident.

*Within [ ] stand rest out.* The Stile of Congress shall be, the Congress of the United States of North America. And when addressed it shall be thus. May it please your Excellency M<sup>r</sup>. President and Gentlemen of the Congress, &c. &c.

The address to an ambassador shall be, May it please your Excellency &c. &c.

To an Envoy or Plenipotentiary, Most Honorable &c.

To a Resident Sir, Monsieur, My Lord, M<sup>r</sup> and the like, according to his appellation in his own Country;<sup>2</sup>

Those who shall visit upon a Public Minister, shall always inform him, that if in any audience he chooses to speak on matters of business, it will be necessary to deliver what he shall say in writing to the President, and if he shall not incline

*Agd. 20 July.*

<sup>1</sup> "Relative to Ambassador and Resident postponed 20 July." Note on the report in the writing of Henry Laurens.

<sup>2</sup> These four paragraphs on style of address appear to have been struck out.

thereto, it will be from the constitution of Congress impracticable for him to receive an immediate answer.<sup>1</sup>

*Ordered*, That the farther consideration thereof be postponed till tomorrow.

Adjourned to 9 o'Clock, to Morrow.

SATURDAY, JULY 18, 1778

According to order, General Reed laid before Congress a letter from George Johnstone, dated London, 11 April, 1778, and directed to General Joseph Reed; and an extract of a letter from Dennis D'Berdt, intended as a letter of introduction for Governor Johnstone:

*Ordered*, That the letter from Governor Johnstone be published.<sup>2</sup>

A letter signed Carlisle, H. Clinton, William Eden, George Johnstone, dated New York, 11 July, 1778, and directed "To his Excellency Henry Laurens, the president, and others the members of Congress," was received and read; Whereupon,

Congress came to the following resolution:

Whereas Congress, in a letter to the British commissioners, of 17 June last, did declare that they would be ready to enter upon the consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the king of Great Britain should demonstrate a sincere disposition for that purpose; and that the only solid proof of this disposition, would be an explicit acknowledgment of the independence of these States, or the withdrawing his fleets and armies; and, whereas, neither of these alternatives have been complied with; therefore,

<sup>1</sup> This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 25, I, folio 47.

<sup>2</sup> This letter is in the Library of Congress, *United States Revolution*, III.

*Resolved*, That no answer be given to the letter of the 11th inst. from the British commissioners.

*Ordered*, That the said letter and the foregoing resolution be published.

*Ordered*, That the letter signed George Johnstone, dated Philadelphia, June 16, 1778, and directed to Robert Morris, Esq. be published.

*Ordered*, That the extract of the letter from Governor Johnstone to Mr. [Francis] Dana, be published.

A letter, of 17, from Governor Livingston, of New Jersey, was read.<sup>1</sup>

A particular invoice of goods, taken and purchased for the use of the army upon the evacuation of the city of Philadelphia, being transmitted to Congress by the clothier general,

*Ordered*, That it lie on the table.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on John Gibson, Esq. auditor general, for thirteen thousand dollars, in favour of the Committee of Commerce, to enable them to pay a bill drawn on them by Messrs. Hewes, Smith and Allen, continental agents for the State of North Carolina, for that sum, dated 30 June last, in favour of Mr. Benjamin Joy; the said committee to be accountable.<sup>2</sup>

Congress being informed that Ludwig Kercher, butcher, who was in the continental employ in the commissary's department, entered into the enemy's employ, and now remains in the city of Philadelphia;

*Ordered*, That the Board of War issue immediate orders to have him, the said Ludwig Kercher, arrested and secured.

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 68, folio 391.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 407.

Congress resumed the consideration of the report of the committee appointed to report on the time and manner of the publick reception of the Sieur Gérard, minister plenipotentiary, &c. and the same having been debated by paragraphs, and a question put on each paragraph, a motion was made to reconsider it.

And the yeas and nays being required by Mr. [Francis] Dana,

<i>New Hampshire,</i>			<i>Virginia,</i>		
Mr. Bartlett,	ay	ay	Mr. R. H. Lee,	ay	
<i>Massachusetts,</i>			Banister,	no	} div.
Mr. S. Adams,	ay		T. Adams,	no	
Gerry,	ay		Harvie,	ay	
Dana,	ay	ay	<i>North Carolina,</i>		
Holten,	ay		Mr. Penn,	ay	ay }
Lovell,			<i>South Carolina,</i>		
<i>Rhode Island,</i>			The president having desired, on		
Mr. Marchant,	ay	ay	this occasion to be excused		
<i>Connecticut,</i>			from giving his vote, was,		
Mr. Sherman,	ay		by unanimous consent, ex-		
Hosmer,	ay	ay	cused.		
A. Adams,	ay		Mr. Drayton,	no	} no
<i>New York,</i>			Mathews,	no	
Mr. G. Morris,	no	ay	Heyward,	ay	
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Elmer,	ay	ay	Mr. Telfair,	ay	ay }
<i>Pennsylvania,</i>					
Mr. J. Reed,	ay	ay			
<i>Maryland,</i>					
Mr. Chase,	ay				
Forbes,	ay	ay			

So it was resolved in the affirmative.

Adjourned to 9 o'Clock on Monday.



MONDAY, JULY 20, 1778

A letter, of 18, from Lieutenant Colonel Laurens, one of General Washington's aids, was read.

A letter, of 8, from Governor Henry, of Virginia, was read:

*Ordered*, That it be referred to the Board of War and Ordnance, and that the Board be directed to take the same under their immediate consideration, and report thereon as soon as possible.

A letter, of 6, from General Heath, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 8, from General Heath, enclosing sundry papers relative to Ensign John Brown, under sentence of death, was read:<sup>1</sup>

*Ordered*, That the same be referred to a committee of three;

The members chosen, Mr. [Roger] Sherman, Mr. [Henry] Marchant, and Mr. [William Henry] Drayton.

A letter, of 9th, from General Heath, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 15, from James Smith, Esq<sup>r</sup> directed "to the Hon. vice president and council of the State of Pennsylvania," with a deposition of Mr. John Bosley, enclosed, was laid before Congress and read:

*Ordered*, That the same be referred to the Board of War.

A letter, of 9th, from the council of Massachusetts bay, was read:<sup>2</sup>

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 165, folio 1; that of Henry, in No. 71, I; folio 165, Heath's of the 8th and 9th are in No. 157, folios 170 and 174; that of James Smith, in No. 78, XX, folio 275, and the deposition of Bosley on folio 279.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 65, I, folio 326.

An account of Mons. du Coudray's funeral expences, was laid before Congress:

*Ordered*, That it be referred to the Board of Treasury.

The committee to whom was referred the letter of the 11, from Ebenezer Hazard, Esq. and the papers thereto relating, report,

"That they have had the same under consideration, and, having conversed with Mr. Hazard upon the subject, are of opinion that Mr. Hazard's undertaking is laudable, and deserves the public patronage and encouragement, as being productive of public utility:" Whereupon,

*Resolved*, That it be recommended to the several governors, presidents, and executive powers of the several states in this union, to assist Mr. Hazard, and give facility to his labors in making a collection of the various state papers relative to the origin and progress of the several European settlements in North America, and such as relate to the rise and progress of the present war with Great Britain: that, for this purpose, he be admitted to an inspection of public records, and be furnished, without expence, with copies of such papers as he may judge will conduce to the valuable end he hath in view:

That it be also recommended to such private gentlemen as may have collected any material of the kinds above mentioned, to assist Mr. Hazard in his laudable undertaking.

The committee farther report, that, in their opinion, the making this collection will not interfere with Mr. Hazard's employment in the post office, nor interrupt the discharge of his duty as a surveyor of the post in the eastern department; but that Mr. Hazard must necessarily be put to expence of various kinds in procuring the extensive collection of materials he proposes to make; Whereupon,

*Resolved*, That to enable Mr. Hazard to sustain such expence one thousand dollars be advanced to him upon account, returns being made to Congress of his expences in this business.<sup>1</sup>

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on John Gibson, Esq. auditor general, for six thousand dollars, in favour of Joseph Nourse, pay master for the Board of War and Ordnance, to enable the Board of War to pay Colonel Broadhead three months' pay of his regiment, who are now on their march to the western country; the said Joseph Nourse to be accountable.<sup>2</sup>

In consequence of an adjustment by the commissioners of claims at the treasury office, the auditor general reports,

That there is due to Mr. G[ouverneur] Morris, for his expences on the road to and from camp, on public service, last spring, 51 dollars:

That there is due to John Young, who was a private in the 3d Virginia regiment, in Captain Reuben Briscoe's company, as per certificates, for his pay from the 14 February, 1778, to the 16 June last, inclusive, is four months and two days, during which time he was a prisoner with the enemy in Philadelphia, and was wounded at the battle of Brandywine, 27 10/90 dollars:

That there is due to the Rev. Mr. Lotbinier, a balance of 87 65/90 dollars, as per account stated herewith, for rations, agreeable to a resolve in Congress of 2d June last, and for his pay and subsistence from 11 June to 10 July, 1778, the sum of 60 dollars, making, in the whole, 147 65/90 dollars.<sup>3</sup>

<sup>1</sup> This report, in the writing of Richard Henry Lee, is in the *Papers of the Continental Congress*, No. 19, III, folio 75.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 413.

<sup>3</sup> This report, dated July 17, is in the *Papers of the Continental Congress*, No. 136, II, folio 409.

That there is due to the Chevalier de Faillie his pay as lieutenant colonel, from the 1 April to the 30 June, 1778, three months, at 60 dollars per month, 180 dollars; and for his rations from 1 April to 31 May, is 61 days, at five rations per day, is 305 rations, at 30/90ths of a dollar per ration, 101 60/90 dollars; and for his subsistence allowed in lieu of rations, from the 1st to 30 June, 1778, inclusive, 40 dollars; making, in the whole, 321 60/90 dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

Congress again resumed the consideration of the report of the committee appointed to report on the time and manner of the public reception of the Sieur Gérard, Minister Plenipotentiary from his most Christian Majesty, &c.: Whereupon,

*Resolved*, That so much of the said report as relates to the ceremonial respecting ambassadors and residents be postponed.

*Resolved*, That the ceremonial for a minister plenipotentiary or envoy shall be as follows:

When a minister plenipotentiary or envoy shall arrive within any of the United States, he shall receive, at all places where there are guards, sentries and the like, such military honours as are paid to a general officer of the second rank in the armies of the United States.

When he shall arrive at the place in which Congress shall be, he shall wait upon the President, and deliver his credentials, or a copy thereof. Two members of Congress shall then be deputed to wait upon him, and inform him when and where he shall receive audience of the Congress.

At the time he is to receive his audience, the two members shall again wait upon him in a coach belonging to the states; and the person first named of the two shall return with the minister plenipotentiary or envoy in the

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 411.

coach, giving the minister the right hand, and placing himself on his left, with the other member on the front seat.

When the minister plenipotentiary or envoy is arrived at the door of the Congress hall, he shall be introduced to his chair by the two members, who shall stand at his left hand. Then the member first named shall present and announce him to the President and the house; whereupon he shall bow to the President and Congress, and they to him. He and the President shall then again bow unto each other. and be seated; after which the house shall sit down.

Having spoken and being answered, the minister and the President shall bow to each other, at which time the house shall bow, and then he shall be conducted home in the manner in which he was brought to the house.

Those who shall wait upon the minister shall inform him, that, if in any audience he shall choose to speak on matters of business, it will be necessary previously to deliver in writing, to the President, what he intends to say at the audience; and if he shall not incline thereto, it will, from the constitution of Congress, be impracticable for him to receive an immediate answer.

The style of address to Congress shall be, "Gentlemen of the Congress."

All speeches, or communications in writing, may, if the publick ministers choose it, be in the language of their respective countries. And all replies, or answers, shall be in the language of the United States.

After the audience, the members of Congress shall be first visited by the minister plenipotentiary or envoy.

Adjourned to 9 o'Clock to Morrow.

TUESDAY, JULY 21, 1778

A letter of the 3d April, one of the 5 May, and one of the 6<sup>th</sup> May, from Bernardo de Galves, Governor of New Orleans, directed to Messrs. Robert Morris and William Smith; and a letter of 4th July, from J. Morain, late captain of the sloop *Bernardo*, from Mississippi, at Edenton, North Carolina, with an invoice of her cargo; and sundry letters and papers from Mr. Pollock, at New Orleans, were laid before Congress and read:

*Ordered*, That they be referred to the Committee of Commerce.

A letter, of 23 June, from the council of Massachusetts bay, was read:<sup>1</sup>

*Ordered*, That so much as relates to money, be referred to the Board of Treasury; and the remainder to a committee of three:

The members chosen, Mr. [Francis] Dana, Mr. [Joseph] Reed, and Mr. [Roger] Sherman.

Pursuant to the powers in them vested, the delegates of North Carolina signed the ratification of the articles of confederation, in behalf of their State.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on John Gibson, Esq. auditor general, in favour of Mr. J[ohn] Penn, for one thousand and seventy one dollars, in discharge of three bills of exchange, drawn on the continental treasurer by John Ashe, treasurer of the State of North Carolina, one dated 29 January, 1777, in favour of Thomas Craike, for two hundred and fifty dollars; one other, dated 9 May,

<sup>1</sup> This letter is in No. 65, I, folio 320. It is indorsed: "So much as relates to cloathing the troops of that State referred to the Board of War, who are to take such measures and give such orders therein as they judge proper. August 8, 1778."

1777, in favour of Cosmo Medici, Esq. for 321 dollars; each of which is expressed to be for cloathing the continental troops in that State; the other dated 9 May, 1777, in favour of Thomas Donaho, for five hundred dollars, and endorsed by him to Robert Williams, and expressed to be for the service of the United States; which several bills are to be charged to the State of North Carolina, in part of the grant in favour of the said State, for five hundred thousand dollars.

That Isaac Howell be appointed superintendent of the making of Paper, for Loan Office Certificates and Bills of Exchange.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, JULY 22, 1778

A letter, of 17, from W. Smith, at Baltimore, was read, informing that his private business puts it out of his power to give any further attendance at the navy board now removed to Philadelphia, and therefore requesting Congress will accept his resignation;<sup>2</sup> Whereupon,

*Resolved*, That the resignation of William Smith, as commissioner of the navy board in the middle district be accepted.

The Board of War, to whom were referred the letters from his Excellency P. Henry, governor of Virginia, dated 8 and 10 July, brought in a report, which was taken into consideration, and after debate,

*Resolved*, That it be re-committed.

*Resolved*, That a member from Pennsylvania and a member from Virginia be appointed to consult with the Board of War on the subject of this report:

The members chosen, Mr. [Joseph] Reed and Mr. [John] Harvie.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 415.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 225.

*Ordered*, That the Board of War and committee meet on this business forthwith, and report thereon as soon as possible.

A letter, of 16, from Governor Henry, of Virginia, was read.<sup>1</sup>

The Committee on the Treasury brought in a report.

Before it was read, a member called for the determination of the question, which was postponed at the request of a State on the 13th. Whereupon a debate arose, which should have a preference, the report from the treasury or the determination of the question postponed. During this debate a member desired that the secretary might give information respecting the practice of the House. This being objected to, a motion was made:

“That the sense of the House be taken whether when a difference of opinion arises in Congress with respect to the true meaning of a rule of the House, a member may of right ask information of the secretary of Congress, with respect to the practice of the House on the rule on which a difference of opinion subsists.”

An amendment was moved to insert after “information” these words, “through the chair”

The yeas and nays being required by Mr. G[ouverneur] Morris:

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Bartlett,	ay } ay	Mr. Sherman,	no }
<i>Massachusetts bay,</i>		Hosmer,	ay } no
Mr. S. Adams,	no }	A. Adams,	no }
Gerry,	ay } div.	<i>New York,</i>	
Dana,	no }	Mr. Duer,	ay }
Lovell,	ay }	G. Morris,	ay } ay
<i>Rhode Island, &amp;c.,</i>			
Mr. Marchant,	no } no		

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 71, I, folio 179.



<i>New Jersey,</i>			<i>North Carolina,</i>		
Mr. Witherspoon,	ay	} div.	Mr. Penn,	ay } *	
Elmer,	no		<i>South Carolina,</i>		
<i>Pennsylvania,</i>			The president having desired on		
Mr. Reed,	ay	ay	this occasion to be excused from		
<i>Maryland,</i>			giving his vote, was by unanimous		
Mr. Chase,	ay	} ay	consent excused.		
Plater,	ay		Mr. Drayton,	ay	} no
Forbes,	ay		Mathews,	no	
<i>Virginia,</i>			Heyward,	no	
Mr. [R. H.] Lee,	no	} div.	<i>Georgia,</i>		
Banister,	ay		Mr. Telfair,	no	no
T. Adams,	ay				
Harvie,	no				

So the house being equally divided the amendment was lost.

*Resolved*, That the farther consideration of the motion under debate be postponed.

Adjourned to 9 o'Clock to Morrow,

THURSDAY, JULY 23, 1778

Mr. John Walton, one of the delegates from Georgia, attended, and took his seat in Congress.

The delegates from Georgia laid before Congress the proceedings of the house of assembly of that State, respecting the articles of confederation, which were read.<sup>1</sup>

A letter, of 22, from Frederick Tracy, with two letters enclosed from Mr. J. Moore, was read:<sup>2</sup>

*Ordered*, That the same be referred to the Board of War.

<sup>1</sup> See page 670, *ante*.

<sup>2</sup> These letters are in the *Papers of the Continental Congress*, No. 78, XXII, folio 573.

A letter of 11 March, from Don Diego Joseph Navarro, at Havannah, was read.<sup>1</sup>

Two commissions from the Sieur Gérard, minister plenipotentiary from his most Christian Majesty to these United States, to Mons. J. Holker, were laid before Congress and read; one dated at Philadelphia, 15 July, 1778, appointing him, the said John Holker, inspector general of trade and manufactures of France, and agent to the royal marine of France in all the ports belonging to the United States of North America. The other, dated Philadelphia, 15 July, 1778, appointing him, the said John Holker, inspector general of trade and manufactures of France, consul of France in the port of Philadelphia: Whereupon two resolutions were moved.

On motion, *Resolved*, That the said commissions, with the resolutions moved, be referred to a committee of five:

The members chosen, Mr. [Samuel] Chase, Mr. R[obert] Morris, Mr. [William] Duer, Mr. [Elbridge] Gerry, and Mr. [Thomas] Heyward.

A petition from Richard Marven and Samuel Shaw, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Francis] Dana, Mr. [William Henry] Drayton, and Mr. G[ouverneur] Morris.

A petition from merchants in Philadelphia, and a letter from White and Chaloner, directed to Thomas and Isaac Wharton, were read:

*Ordered*, That the same be referred to a committee of four:

The members chosen, Mr. [William] Duer, Mr. [John] Harvie, Mr. [Samuel] Holten, and [William Henry] Drayton.

<sup>1</sup> A translation of this letter is in the *Papers of the Continental Congress*, No. 78, XVII, folio 47.

<sup>2</sup> This petition, dated July 8, is in the *Papers of the Continental Congress*, No. 42, V, folio 98.

*Ordered*, That the letter of the 9th instant, from Major General Arnold, be referred to the said committee.

*Resolved*, That the said committee, in conjunction with the committee appointed or to be appointed by the supreme executive council of the State of Pennsylvania, be authorized to ascertain the property of the goods, wares, and merchandise in possession of the inhabitants of the city of Philadelphia, at the time it was evacuated by the enemy, viz. so far as to determine whether any, or what part thereof may belong to the king of Great Britain or to any of his subjects, agreeably to the resolution of the 4 June last.

*Ordered*, That the invoice of goods, taken and purchased for the use of the army upon the evacuation of the city of Philadelphia by the enemy, which was, according to order, transmitted to Congress by the cloathier general, be referred to the foregoing committee.

The determination of the question postponed at the request of a State on the 13th, was called for; a debate arising thereon, and a question being called for, a doubt arose respecting the power of the two delegates from Georgia to give the vote of that State,

*Ordered*, That the credentials heretofore given to delegates from Georgia, together with the credentials of the attending members from that State, be laid before Congress.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, JULY 24, 1778

According to order, the credentials heretofore given to delegates from Georgia, together with the credentials of the attending members from that State, were laid before Congress, and read: Whereupon,

*Resolved*, That any one of the delegates from Georgia, or a majority of those present, is fully authorized to represent and give the vote of that State.

A question was then moved, whether one delegate from North Carolina is empowered, under the credentials last given, to represent and give the vote of that State? Whereupon,

*Resolved*, That any one of the delegates of North Carolina is empowered, when only one is present, to give the vote of that State:

The yeas and nays, being required on this question by Mr. [Samuel] Chase, are as follows:

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	ay	{ ay	Mr. R. Morris,	ay	{ ay
<i>Massachusetts Bay,</i>			Reed,	ay	{ ay
Mr. Gerry,	no	}	<i>Maryland,</i>		
Dana,	ay	{ ay	Mr. Chase,	no	{ no
Lovell,	ay	{ ay	Forbes,	no	{ no
Holten,	ay	}	<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. R. H. Lee,	no	{
Mr. Marchant,	no	{ no	Banister,	ay	{ ay
Collins,	no	}	T. Adams,	ay	{ ay
<i>Connecticut,</i>			Harvie,	—	}
Mr. Sherman,	ay	{ ay	<i>South Carolina,</i>		
A. Adams,	ay	{ ay	Mr. Laurens,	ay	{ ay
<i>New York,</i>			Drayton,	ay	{ ay
Mr. Duer,	ay	{ ay	Heyward,	ay	{ ay
G. Morris,	ay	{ ay	<i>Georgia,</i>		
<i>New Jersey,</i>			Mr. Walton,	ay	{ ay
Mr. Witherspoon,	ay	{ ay	Telfair,	ay	{ ay
Elmer,	ay	{ ay			
Scudder,	no	}			

||So it was resolved in the affirmative.||

A memorial from Francis Hopkinson and John Wharton, commissioners of the navy board in the middle district, was read, with an account of their expences at

Baltimore, in Maryland, on public business, by order of Marine Committee:

*Ordered*, That it be referred to the Marine Committee.

The determination of the question postponed by a State on the 13th, was called for: Whereupon it was moved, and

*Resolved*, That the determination of that question be postponed.

Pursuant to the powers in them vested, the delegates of Georgia signed the ratification of the articles of confederation.

Congress took into consideration the report from the Board of Treasury; and some time being spent thereon,

*Ordered*, That the farther consideration thereof be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

SATURDAY, JULY 25, 1778

A letter, of the 6th, from Mr. President Lowndes, of South Carolina, was read:

*Ordered*, That it be referred to the Medical Committee.

A letter, of 15, from Mons. Francey, at Williamsburgh, was read:

*Ordered*, That it be referred to the Committee of Commerce, and that they be directed to report specially thereon with all expedition.

The Committee of Foreign Affairs laid before Congress a copy of proceedings at the maritime court against the snow *Our Lady of Mount Carmel*:

*Ordered*, That it be referred to the committee on the letter of 1st June, from the board of war for the State of Massachusetts bay.

Congress resumed the consideration of the report of the Board of Treasury of the 22d; Whereupon,

*Ordered*, That, upon application of the Board of War and Ordnance, a warrant issue on John Gibson, Esq. auditor general, for seventeen thousand eight hundred and forty nine and 45/90 dollars, in favour of Joseph Nourse, pay master of the said Board, to be issued by them for the purchase of cloathing; the said Joseph Nourse to be accountable:

That a Warrant issue on the Treasurer of the State of Massachusetts Bay for three hundred thousand Dollars in favor of the President and Council of said State; to be paid out of the Money assessed <sup>Agreed.</sup> by the State agreeable to a resolution of Congress of the 22d. November last, the said State to be accountable.<sup>1</sup>

That a warrant issue on John Gibson, Esq. auditor general, for seventy nine thousand nine hundred and eighty and 30/90 dollars, in favour of James Mease, Esq. cloathier general, to enable him to pay the following draughts of Otis & Andrews, of Boston, viz. in favour of Lee & Jones, for 8,000 dollars; Codman & Smith, 1,035 dollars; Thomas Russel, 18,333 30/90 dollars; Mons. A. Cabott, 30,000 dollars; Mr. E. Gerry, 3,475 dollars; S. P. Savage, 10,000 dollars; and a draught of Joseph Pennell, of Virginia, for sundries furnished Major Lee's corps, 9,137 dollars; making in the whole, 79,980 30/90 dollars.

That Isaac Howell, Brewer, Rev. Mr. Marshall, ~~Joseph Moulder~~ [withdrawn], Peter Thomson, Isaac Snowden (by Mr. Sherman), John Biddle (by General Read), be nominated as Inspectors of the Presses for striking Bills of Credit, Bills of Exchange, and Loan Office Certificates.<sup>2</sup>

The Board of Treasury having in their report recommended sundry persons, and among them one of an ecclesiastical character, to be nominated as inspectors of

<sup>1</sup> Passed August 5. See under that date, *post*.

<sup>2</sup> This report, dated July 22, is in the *Papers of the Continental Congress*, No. 136, II, folio 417. The last paragraph is in the writing of Elbridge Gerry. For election of the inspectors, see under July 27, *post*.

the presses for striking bills of credit, bills of exchange, and loan-office certificates,

A motion was made, that the sense of the house be taken, whether it is proper that Congress should appoint any person of an ecclesiastical character to any civil office under the United States?

Whereupon, the previous question was moved, and the yeas and nays being required by Mr. [William] Duer,

<i>New Hampshire,</i>		<i>Pennsylvania,</i>	
Mr. Bartlett,	ay } ay	Mr. Reed,	ay } ay
<i>Massachusetts bay,</i>		<i>Maryland,</i>	
Mr. S. Adams,	ay }	Mr. Chase,	no }
Gerry,	ay }	Plater,	no } no
Dana,	ay } ay	Forbes,	no }
Lovell,	ay }	<i>Virginia,</i>	
Holten,	ay }	Mr. Banister,	ay } *
<i>Rhode Island,</i>		Harvie,	no }
Mr. Marchant,	ay }	<i>North Carolina,</i>	
Collins,	ay } ay	Mr. Penn,	no } no
<i>Connecticut,</i>		<i>South Carolina,</i>	
Mr. Sherman,	ay }	Mr. Laurens,	no }
A. Adams,	ay } ay	Drayton,	ay }
<i>New York,</i>		Mathews,	ay } ay
Mr. Duer,	no }	Heyward,	ay }
G. Morris,	no } no	<i>Georgia,</i>	
<i>New Jersey,</i>		Mr. Walton,	no }
Mr. Witherspoon,	ay }	Telfair,	no } no
Elmer,	ay }		
Scudder,	ay }		

So it was resolved that the question on the motion be not now put.

*Resolved,* That the remainder of the report, respecting a grant to the State of Massachusetts bay, be postponed.

The Committee on the Treasury brought in another report; Whereupon,

*Ordered*, That a warrant issue on the treasurer of the State of Connecticut, for one hundred thousand dollars, [to be paid out of the money assessed by the State, agreeably to the resolution of Congress of the 22d November last,] and another warrant on John Lawrence, Esq. commissioner of the continental loan office in the said State, for one hundred thousand dollars, in favour of Ebenezer Hancock, Esq. deputy pay master general of the eastern district, for the use of his department, he to be accountable.

That Mr. Jos. Prownal be nominated a superintendent of the making of Paper for Loan Office Certificates and Bills of Exchange.<sup>1</sup>

In consequence of an adjustment by the commissioners of claims at the treasury office, the auditor general reports,

There is due to Lieut. Andrew McFarlain, of Captain Samuel Moorehead's independant Company his pay, from the 14 February, 1777, to the 13 July, 1778, inclusive, during which Time he was a Prisoner, is 17 months, at 27 Dollars per month, four hundred and fifty nine Dollars.

And for a Balance of Rations due him from the 14 February, to the 31 December, 1777, when he returned home on parole, thirty five and 60/90.

That there is due to Mr. Francis Dana, for his expences from camp to York town, his servant's expences going and returning, 61 60/90 dollars:

That there is due to William Widdifield, for 6 windsor chairs for the use of the treasury office, 42 dollars:

That there is due to John Pickerton, for 6 windsor chairs, for the use of the treasury office, 42 dollars.<sup>2</sup>

*Ordered*, That the said accounts be paid.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 419. The words in brackets were added by Elbridge Gerry. Under the last paragraph Laurens noted "Nominated and postponed, 26th. George Bright." Bright was chosen August 8, *post*.

<sup>2</sup>This report, dated July 24, is in the *Papers of the Continental Congress*, No. 136, II, folio 421.



*Resolved*, That the remainder of the report, respecting the account of Lieutenant Andrew M'Farlain, be postponed.

The Board of War, to whom were referred the letters from his excellency Patrick Henry, Esq. governor of Virginia, dated 8 and 10 July, report,

That, "from various enquiries made by the Board, it appears that success in an expedition against Detroit cannot be reasonably expected, unless the force destined for that service be ready to march from Fort Pitt by the first of September:

"That from the letters received from Governor Henry, and Mr. Patrick Lockhart, appointed to act as commissary, &c. on the above expedition, it appears that the capital articles necessary for carrying on the expedition, viz. men, horses, flour, and beeves, cannot be procured by any means within the time limited, and probably not even during the course of the present year:

"That, from the extraordinary rise of articles, especially of horses, since the expedition was first determined on, the expence of it, if practicable, would exceed, in an enormous degree, the estimate formed by the late commissioners at Fort Pitt, and submitted by the Board to the consideration of Congress;" Whereupon,

*Resolved*, That the expedition against the fortress of Detroit be, for the present, deferred:

That Brigadier General M'Intosh be directed to assemble at Fort Pitt, as many continental troops and militia as will amount to fifteen hundred, and proceed, without delay, to destroy such towns of the hostile tribes of Indians as he, in his discretion, shall think will most effectually tend to chastise and terrify the savages, and to check their ravages on the frontiers of these states:

That such of the articles as have been already procured for the expedition against Detroit, and which are neces-

sary for the incursion against the Indian towns, be appropriated for that purpose, and that the Board of War be directed to give the necessary orders on this point:

That Governor Henry be informed of the determination of Congress with respect to the intended expedition, and that he be desired to furnish General M'Intosh with such a number of militia as the general shall apply for, to make up the complement of men destined for an incursion into the towns of the hostile Indians:

That the president be directed to inform Governor Henry that Congress have a high sense of the zeal of the assembly of Virginia, in voting, at their late session, a reinforcement of infantry and cavalry for the main army, but that a change in circumstances renders the march and services of those troops at present inexpedient:

That Governor Henry be therefore requested to cease raising the troops voted, and to order such of the infantry as are already raised, and are in the vicinity of the frontiers, together with a troop of cavalry, not exceeding fifty men, under the command of an intelligent and active officer, forthwith to join General McIntosh at Fort Pitt:

That it appearing most evidently that the late incursion at Wyoming and the adjacent parts, has been made by the Senecas and some other tribes of the Six Nations, aided by tories and other banditti, from the frontiers of New York, New Jersey, and Pennsylvania, the expedition meditated against them from the northward be forwarded with all possible despatch, and that the Board of War take the necessary steps for that purpose:

That, in respect to the harvest, and the deplorable situation of the frontiers, in consequence of the late irruption of the enemy, Colonel Hartley's regiment be continued there till the retreat of the enemy be fully

ascertained, the harvest secured, and the apprehensions of the inhabitants quieted.<sup>1</sup>

The committee to whom was referred the *Sieur Gérard's* intended speech at the public audience, brought in a draught of an answer, which was taken into consideration: and, after debate,

*Resolved*, That the farther consideration thereof be postponed to Monday.

Adjourned to 9 o'Clock on Monday.

MONDAY, JULY 27, 1778

A letter, of 22, from General Washington, at camp near White Plains, was read, enclosing copies of letters from him to the Count d'Estaing, sundry papers relating to eight persons ordered from Bennington into the enemy's lines, and a letter from Captain Caleb Gibbes of 14 June last:<sup>2</sup>

*Ordered*, That the papers relating to the eight persons sent from Bennington, lie on the table for future consideration:

That the letter from Captain Gibbes, together with so much of General Washington's letter, as relates thereto, be referred to the Board of War.

A letter of 22, from General Gates, at White Plains, was read; also, a letter of 21, from Brigadier S. H. Parsons, directed to J. Lovell and T. Hosmer, Esqrs. referred to in General Gates's letter, was laid before Congress and read:<sup>3</sup>

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 147, II, folio 143.

<sup>2</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 183; the inclosures are on folios 191-197. It is printed in *Writings of Washington* (Ford), VII, 108.

<sup>3</sup> The letter of Gates is in the *Papers of the Continental Congress*, No. 154, II, folio 11; that of Parsons, in No. 78, III, folio 169; that of Schuyler, in No. 153, III, folio 348.

*Ordered*, That the same be referred to a committee of four:

The members chosen, Mr. [William Henry] Drayton, Mr. [John] Harvie, Mr. [Joseph] Reed, and Mr. [William] Duer.

A letter, of 19, from Major General Schuyler, was read, enclosing minutes of the commissioners of Indian affairs for the northern department, in the month of June last:

*Ordered*, That the same be referred to the Board of War.

A letter, of 19, from Mr. J. Smith, at York town; to Mr. R. Morris, respecting the situation of our prisoners in the power of the enemy, was laid before Congress, and read:

*Ordered*, That it be referred to the Marine Committee.

*Resolved*, That the Board of War and Marine Committee be, and they are hereby, respectively directed to cause the land and sea prisoners in the power of these states to be forthwith treated, in all respects, as near as may be, in such manner as the American land and sea prisoners in the power of the enemy are, or shall, from time to time, be treated; provided, that nothing contained in this resolution shall be construed to extend so far as to prevent an exchange of prisoners upon fair and equitable principles.<sup>1</sup>

A letter, of 18 April last, from J. Diam, at St. Pierre, Martinique, was read:

*Ordered*, That it be referred to the Committee of Commerce.

The Committee on the Treasury laid before Congress a deposition of Thomas Clifton, respecting Colonel B. Flower's accounts, which was read; Whereupon, sundry motions were made.

<sup>1</sup> In the margin is written "to be published."

*Ordered*, That the deposition, with the motions, be referred to a committee of three:

The members chosen, Mr. [Francis] Dana, Mr. [William Henry] Drayton, and Mr. [Joseph] Reed.

Congress proceeded to the election of inspectors of the presses for striking bills of credit, bills of exchange and loan office certificates, and, the ballots being taken, the following gentlemen were elected: Mr. Isaac Snowden, Mr. Isaac Howell, brewer, Mr. Peter Thomson, and Mr. John Biddle.

Congress proceeded to the election of a treasurer of loans, and, the ballots being taken,

Mr. Francis Hopkinson was elected.

Congress being informed that there are only two members of the Committee on Appeals now present, and that sundry causes are ready for trial,

*Resolved*, That three members be added to the Committee for hearing and determining Appeals, and that any three of the said committee be empowered to hear, and finally determine, appeals to Congress from the judgment of courts of admiralty:

The members chosen, Mr. [Joseph] Reed, Mr. [William Henry] Drayton, and Mr. [Elias] Boudinot.

Adjourned to 9 o'Clock to Morrow.

**TUESDAY, JULY 28, 1778**

A letter, of 27, from Captain Manly, was read:

*Ordered*, That it be referred to the Marine Committee.

A memorial from Captain Josiah Stoddard, and a petition from Captain Stoddard and other officers of the cavalry; a letter of 24, from Major General Gates; one, of 28 June, from Brigadier Samuel H. Parsons, in favour of the Chevalier de la Neuville and Major Noirmont de la

Neuville; also a letter from the Chevalier de la Neuville, were read:

*Ordered*, That the same be referred to the Board of War.

The Committee of Commerce laid before Congress a letter of 5 March, from Stephen Sayre, at Copenhagen, and one of 20 March, from C. A. Fabricius, with a paper of intelligence, which were read:

*Ordered*, That the paper of intelligence be referred to the Committee of Intelligence; and that the letters be returned to the Committee of Commerce, and that they be directed to report thereon.

A letter, of 27, from Colonel Knoblauch, a Prussian nobleman, with sundry papers enclosed, was read:<sup>1</sup>

*Ordered*, That the same be referred to a committee of three; and that they be directed to confer with Colonel Knoblauch:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. G[ouverneur] Morris, and Mr. [James] Lovell.

A representation from John Beatty, Esq. commissary general of prisoners, respecting the distressed state of the officers, prisoners in the hands of the enemy, was read:<sup>2</sup>

*Ordered*, To lie on the table.

Papers relative to the monument for the late General Montgomery were laid before Congress:

*Resolved*, That they be referred to the delegates of New York.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of John Gibson, Esq. auditor general, for the sum

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XIII, folio 459.

<sup>2</sup> This representation, dated July 24, is in the *Papers of the Continental Congress*, No. 78, III, folio 18.

of twenty thousand dollars, to enable him to discharge the residue of a warrant of the President of Congress on him, dated 13 September last, in favour of the continental Navy Board, for 50,000 dollars; the said auditor general to be accountable.<sup>1</sup>

*Ordered*, That the quarter master general furnish the Hon. the Sieur Gérard, minister plenipotentiary of his most Christian majesty, with such and so many horses and such forage as he shall direct; and that he deliver from time to time, special accounts of the prices of the said horses and forage to the Board of Treasury.

A memorial from Bryan Lefferty, was read:

*Ordered*, That it be referred to the Board of War.

Congress resumed the consideration of the answer to the Sieur Gérard's intended speech, and after some time spent thereon,

*Ordered*, That the farther consideration thereof be postponed till to morrow.

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, JULY 29, 1778

A letter, of 28, from S[ilas] Deane, Esq. late commissioner at the court of France, was read:

*Ordered*, To lie on the table.

A letter, of 8, from B. Harrison, Esq. deputy pay master general in Virginia, with an abstract of his monthly account, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 25, from Jonathan Trumbull, Jun. Esq. pay master in the northern department, was read, requesting, as the northern and southern armies are joined, and for

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 425.

sundry reasons set forth, that Congress will be pleased to suffer him to resign his employment;<sup>1</sup> Whereupon,

*Resolved*, That Jonathan Trumbull, Jun. Esq. pay master in the northern department, have leave to resign his employment.

*Ordered*, That Jonathan Trumbull, Jun. Esq. pay over the public monies in his hands, to Colonel William Palfrey, pay master general, taking duplicate receipts, and that he transmit one of them to the Treasury Board; and that Mr. Trumbull settle his accounts as soon as may be.

Two memorials from the Hon. the Sieur Gérard, one respecting a deserter from the frigate *Chimère*, and the other respecting the sailing of the said frigate, were laid before Congress and read:

*Ordered*, That they be referred to the Marine Committee.

The Marine Committee laid before Congress two letters, one dated 18 May, the other 1 June, from John Wereat, continental agent in Georgia, complaining of the conduct of Colonels White and Elbert, in the sale of three vessels captured from the enemy, and other papers relating thereto: Whereupon,

*Ordered*, That the Marine Committee take proper measures for referring to the governor and council of Georgia an enquiry into the conduct of Colonels White and Elbert, in the complaint against them by Mr. John Wereat, to give the said colonels an opportunity of being heard in their defence; and that the result of the said enquiry be reported to Congress as soon as may be.

A petition from Hector M'Neil was read:<sup>2</sup>

*Ordered*, That it be referred to the Marine Committee.

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XXII, folio 583.

<sup>2</sup>This petition, dated July 25, is in the *Papers of the Continental Congress*, No. 42, V, folio 73.



The Board of War, to whom the memorial of the Chevalier de la Neuville, inspector to the northern army, with sundry letters from General Gates and Brigadier Parsons were referred, brought in a report, which was taken into consideration; after debate,

*Resolved*, That the consideration thereof be postponed.  
The Board ||of War|| farther reported,

AT A BOARD OF WAR, *July 29, 1778*

The Board of War, to whom the Memorial of the Chevalier de la Neuville, Inspector to the Northern Army with sundry Letters from General Gates and Brigadier Gen<sup>l</sup> Parsons were referred, beg leave to report,

That le Chevalier de la Neuville was in the month of May last recommended to Congress by a special Committee, to be appointed Inspector of the Northern army with the Rank of a Brigadier General.

That Congress not chusing at that Time to confer that Rank on a Person of whose Talents they had not sufficient Experience,

*Resolved* "That Mons de la Neuville be informed that Congress will be disposed after an Experience of his services of an Inspector to the Army under Gen. Gates for the Space of three Months to confer on him such Rank as his merits may justly entitle him to,"

That it appears from the Certificates of Major General Gates, dated White Plains the 24th July, and of Brigadier General Parsons, dated June 28th, 1778,

That le Chevalier de la Neuville has since his appointment as an Inspector to the Northern army discharged his duty with the utmost Diligence and Ability and to the great satisfaction of the officers and men who have received much useful instruction from him,

The Board therefore submit to the opinion of Congress.

*Postponed 29 July.* That le Chevalier de la Neuville have the Rank of a Brigadier General by Brevet in the American Army.

That Mons. Noirmont de la Neuville, since the month of December, has acted as aid de camp to Major General Conway, and since the appointment of his brother, as inspector to the northern army, has discharged the duties of deputy inspector with uncommon assiduity and much

satisfaction to the officers and men of the northern army;  
Whereupon,

*Resolved*, That Mons. Noirmont de la Neuville have the rank of a major by brevet in the American army.<sup>1</sup>

The Board farther report, "that the reasons for which Mr. Bryan Lefferty was made a prisoner of war to the United States, appear to them no longer to subsist;"  
Whereupon,

*Resolved*, That Mr. Bryan Lefferty be discharged from his parole, and that the sum allowed him by Congress, heretofore for his support, be paid up to this time.<sup>2</sup>

The Board of War brought in another report; the same was taken into consideration; Whereupon,

AT A BOARD OF WAR, *July 25th, 1778*

Captain Bartholomew Van Herr, Captain of a Troop of Light Dragoons, appointed to act in the Department of Provost Marshal, having represented to the Board, that he has made repeated Endeavours to enlist Men into his Troop, but finds it impossible to do it at the Continental Bounty, and the Board being convinced of the great Utility of this Corps and that their Services are immediately wanted for the Support of the Discipline of the Army and Police of the Camp,

*Resolved*, That if any of the states, in which Captain Bartholomew Van Herr shall recruit, for his troops of marechasseurs, shall give to persons inlisting in the same, for three years, or during the war, the bounty allowed by the State, in addition to the continental bounty, the men so furnished, not being inhabitants of any other of the United States, shall be credited to the quota of the State in which they shall be inlisted.<sup>3</sup>

<sup>1</sup>The original report added: "the rank to commence from the day he was appointed aid de camp to Major General Conway."

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 147, II, folio 151.

<sup>3</sup>This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 149.

*Resolved*, That Caleb Gibbs, Esq. now commanding the corps of guards with the grand army, be promoted to the rank of a major in the service of the United States.

Whereas Mons. Francis Joseph Smith has requested a commission to be made use of in case of his being made a prisoner while serving as a volunteer in the American army:

*Resolved*, That Mons. Francis Joseph Smith have a commission of an ensign by brevet, in the armies of the United States.<sup>1</sup>

Congress resumed the consideration of the answer to the intended speech of the Sieur Gérard, and after debate,

*Resolved*, That it be committed to three members;

The members chosen, Mr. [Joseph] Reed, Mr. [Francis] Dana, and Mr. [John] Witherspoon.

*Ordered*, That Mr. [John] Collins have leave of absence.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, JULY 30, 1778

A memorial from the Hon. Sieur Gérard was read, respecting Mr. William Straker, taken on board the English ship *The Lord Howe*, and sent to Philadelphia by his excellency Mons. the Count d'Estaing; ~~commander in chief of his most Christian Majesty's forces on the coast of North America, to be at the disposal of the Sieur Gérard.~~

*Ordered*, That it be referred to the Board of War.

*Resolved*, That the commissary general of prisoners, be directed to engage in the continental service, all, or as many as he can, of the seamen sent from New York by Admiral Gambier, who shall appear to be effective, or

<sup>1</sup> This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 147.

likely to be soon fit for service; and that he furnish such as will so engage, with the means of travelling to Boston, where they are to be delivered to the commissioners of the navy for the eastern department, to be shipped on board the continental vessels of war fitting out at that port:

That the said commissioners be authorized to make such advances to these seamen as is usual in the port of Boston, making reasonable deductions for the expences to that place; provided always, that this resolution shall not extend so as to prevent any particular State from applying in New Jersey for such of the seamen as belong to such State.

Congress took into consideration a report from the Board of Treasury of 15 April last, for the establishment of a new board; after debate,

*Resolved*, That it be referred to a committee of five:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Elbridge] Gerry, Mr. [John] Witherspoon, Mr. [Edward] Telfair, and Mr. R[ichard] H[enry] Lee.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Colonel E. Boudinot, late commissary general of prisoners, for fifteen thousand dollars, to enable him to discharge some arrears of that department: the said Colonel Boudinot to be accountable.

*Resolved*, That five millions of dollars be emitted under the direction of the Board of Treasury, and on the faith of the United States:

That the bills shall, excepting the numbers, be of the same tenor and date as the emission directed on the 11th day of April last, and be numbered from the last number

of each denomination progressively, and consist of the following denominations, viz:

41,667	of the denomination of 40 dollars,	1,666,680
41,667	do. do. 80	do. 1,250,010
41,666	do. do. 20	do. 833,320
41,666	do. do. 8	do. 333,328
41,666	do. do. 7	do. 291,662
41,667	do. do. 6	do. 250,002
41,666	do. do. 5	do. 208,330
41,667	do. do. 4	do. 166,668
		<hr/> 5,000,000 <sup>1</sup>

The committee to whom was referred the petition of Richard Marven and Samuel Shaw, brought in a report, which was taken into consideration; Whereupon,

*Resolved*, That it is the duty of all persons in the service of the United States, as well as all other the inhabitants thereof, to give the earliest information to Congress or other proper authority of any misconduct, frauds or misdemeanors committed by any officers or persons in the service of these states, which may come to their knowledge.

Whereas, a suit has been commenced by Esek Hopkins, Esq. against Richard Marven and Samuel Shaw, for information and complaint by them and others made to Congress against the said Esek Hopkins, while in the service of the United States:

*Resolved*, That the reasonable expences of defending the said suit be defrayed by the United States.

*Ordered*, That the secretary of Congress furnish the petitioners with attested copies of the records of Congress, so far as they relate to the appointment of Esek Hopkins, Esq. to any command in the continental navy, and his dismission from the same, and also to the proceedings of Congress upon the complaint of the petitioners against

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 427.

the said Esek Hopkins, preferred to Congress through the Marine Committee, as mentioned in their petition.

The committee to whom was referred the draught of an answer to the intended speech of the hon. the Sieur Gérard, brought in a new draught, which was taken into consideration and agreed to.

*Resolved*, That Thursday next be assigned for giving audience to the hon. the Sieur Gérard, minister plenipotentiary from his most Christian majesty.

Congress proceeded to the election of two members to wait upon the Hon. Sieur Gérard, and conduct him to the audience:

The members chosen, Mr. R[ichard] H[enry] Lee, and Mr. S[amuel] Adams.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, JULY 31, 1778

*Resolved*, That a committee of three be appointed to direct and superintend an entertainment to be given by Congress to the Hon. Sieur Gérard, minister plenipotentiary from his most Christian majesty, on Thursday next, the day assigned for his public audience:

The members chosen, Mr. J[oseph] Reed, Mr. [Francis] Dana, and Mr. G[ouverneur] Morris.

Your Committee to whom was referred the Letter from the Board of War of the Massachusetts Bay of the 26th of March, 1778, and the Inclosures therein contained, beg leave to report:

That in the Opinion of your Committee it will be necessary to the Reception of Ambassadors and other Foreigners of Importance, that the President of the Congress for the Time being should be allowed a House and Table at the Public Expence, and that a Master of the Ceremonies should be appointed to superintend the same, adjust the Ceremonies and the like, ~~the which by the assent of Congress ought~~

~~to be framed into Rules and published,~~ Wherefore your Committee beg Leave to submit the following Resolutions:

*Resolved*, That            be, and he hereby is, appointed Master of the Ceremonies to the United States of America, and that for his Services he be allowed the Sum of            annually, ~~and that he Rank as a~~  
~~in the Armies of the United States.~~

*Resolved*, That the Sum of            be annually paid to the said Master of Ceremonies, for the Purpose of Keeping a House and Table for the President of the Congress for the Time being, for which the said Master is to account.<sup>1</sup>

A letter, of 23, from J. Wadsworth, commissary general of purchases, directed to E. Blaine, Esq. one of his deputies, was laid before Congress, and read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. G[ouverneur] Morris, Mr. R[obert] Morris, and Mr. [Samuel] Holten.

A letter, of 30, from the Board of War, with one enclosed from John Beatty, Esq. commissary of prisoners, dated 24 July, was read:

*Ordered*, That the same be referred to the Board of Treasury.

*Resolved*, That Mr. [William] Duer, agreeably to his request, be excused from acting on the committee appointed on the 23 instant, to ascertain the property of the goods, wares and merchandise in possession of the inhabitants of the city of Philadelphia at the time it was evacuated by the enemy, viz: so far as to determine whether any, or what part thereof may belong to the king of Great Britain or to any of his subjects, agreeably to the resolution of the 4 of June last, and for other purposes; and that another be appointed in his room:

The member chosen, Mr. [Henry] Marchant.

<sup>1</sup> This undated report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 23, folio 351. The letter of the Massachusetts Board of War was referred on April 8 to a committee, of which Morris was not a member.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 513.

An extract from the minutes of the supreme executive council of Pennsylvania,|| was laid before Congress,|| appointing the Hon. Vice President, Mr. Hart, Mr. Reed and Mr. Hoge, a committee to meet with the committee of Congress of 23 July, mentioned in the foregoing resolution:

*Ordered*, That it be referred to the said committee.

A memorial from John Mitchell, Esq. deputy quarter master general, was read:

*Ordered*, That it be referred to the foregoing committee.

A memorial and account of Colonel Michael Swoope,

A petition from Mons. Pierre Saverit,

A petition from William Cooper, and a petition from Charles Bergé, Printer, were read:<sup>1</sup>

*Ordered*, That they be referred to the Board of War.

A memorial from William Storey, clerk of the Navy Board, in the eastern department, was read:

*Ordered*, That it be referred to the Marine Committee.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer for three thousand two hundred dollars, in favour of Paul Feager, it being an advance made him on account of making money paper.<sup>2</sup>

*Resolved*, That Mr. Benjamin Randolph, of the city of Philadelphia, be, and he is hereby appointed, to superintend the making of paper for loan-office certificates and bills of exchange.

~~A motion being made by a member from South Carolina, after debate,~~

~~Resolved, That the consideration thereof be postponed.~~

<sup>1</sup> The memorial of John Mitchell, dated July 24, is in the *Papers of the Continental Congress*, No 41, VI, folio 47; Cooper's petition, dated July 31, in No. 42, II, folio 44; and that of Bergé, dated July 20, in No. 42, I, folio 185.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 429.



Congress resumed the consideration of the report of the committee to whom the petition from the prisoners of war on Long Island was referred; Whereupon,

*Resolved*, That the commissioners of claims examine the estimate of the accounts due for cloathing and board for our prisoners of war in the hands of the enemy.

*Resolved*, That a sum of money in specie, not exceeding twenty-six thousand six hundred and sixty-six and two-thirds dollars, be issued to Elias Boudinot, late commissary general of prisoners, for the discharge of such accounts, for which he is to be accountable.

The yeas and nays being required by Mr. [Samuel] Chase, on the question for passing this part of the report:

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	no	no	Mr. Reed,	ay	ay
<i>Massachusetts Bay,</i>			<i>Maryland,</i>		
Mr. S. Adams,	no	no	Mr. Chase,	ay	ay
Dana,	no		Plater,	ay	
Lovell,	no		Forbes,	ay	
Holten,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. Banister,	ay	ay
Mr. Marchant,	no	no	T. Adams,	ay	
<i>Connecticut,</i>			Harvie,	ay	
Mr. Sherman,	no	no	<i>North Carolina,</i>		
Hosmer,	no		Mr. Penn,	ay	ay
A. Adams,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Laurens,	ay	ay
Mr. Lewis,	no	div.	Drayton,	ay	
Duer,	ay		Mathews,	ay	
<i>New Jersey,</i>			Heyward,	ay	
Mr. Scudder,	ay	ay	<i>Georgia,</i>		
Boudinot,	excused from		Mr. Walton,	ay	ay
voting.			Telfair.	ay	

So it was resolved in the affirmative.

~~Resolved, That the further consideration of the report be postponed.~~

Adjourned to 9 o'Clock to Morrow.

## SATURDAY, AUGUST 1, 1778

A letter, of 22 July, from General Armstrong, was read :  
*Ordered*, That it be referred to the Board of War.

Two letters from General Washington, one dated June 18th, and the other 25 July, with a copy of general orders of 15 June respecting the office of inspector general, were read :<sup>1</sup>

*Ordered*, That the same be referred to a committee of three :

The members chosen, Mr. [Joseph] Reed, Mr. [Elias] Boudinot, and Mr. [Samuel] Chase.

A letter, of 31 July, from the Board of War, was read, representing that, pursuant to the orders of Congress, Cornelius Sweers has been secured in such manner as the Board deemed sufficient, while it remained in a degree doubtful, whether or not he had been guilty of frauds against the states; that the matter being now reduced to a certainty, and the sums deficient amounting to many thousand pounds, the Board are uneasy at his remaining guarded only by centries, and those of raw troops :<sup>2</sup> Whereupon,

*Ordered*, That Cornelius Sweers, deputy commissary general of military stores, now in custody by order of this house, be immediately closely confined in the public gaol within this city, and that he be charged with malconduct in his said office generally, and particularly with the crime of forgery.

<sup>1</sup> The letter of Armstrong is in the *Papers of the Continental Congress*, No. 162, folio 270; Washington's of the 18th is in No. 152, VI, folio 109, and that of the 25th, on folio 175. The latter is printed in *Writings of Washington*, (Ford), VII, 124.

<sup>2</sup> This letter, prepared by Timothy Pickering, is in the *Papers of the Continental Congress*, No. 147, II, folio 155.

*Ordered*, that the executive council of the State of Pennsylvania be requested to direct the keepers of their gaol to receive into custody, and safely keep, the said Cornelius Sweers.

*Ordered*, That the letter from the Board of War be referred to the committee on the deposition of Thomas Clifton, and that the committee be directed to report on the mode of trying Cornelius Sweers and bringing him to justice.

*Resolved*, That a committee of three be appointed to consider of and report to Congress such recommendations to the legislatures of the several states for the enacting of laws, calculated to enable Congress, as the superintending executive of the United States, to proceed in civil and criminal cases as the nature of such government may require:

The members chosen, Mr. [Joseph] Reed, Mr. [Francis] Dana, and Mr. [William Henry] Drayton.

A letter, of 28 July, from the Board of War, was laid before Congress, together with an invoice of goods bought of Peter Whitesides & Co.

*Ordered*, That the same be referred to the Board of Treasury.

The Marine Committee brought in a report, which was read, and after debate,

*Resolved*, That it be re-committed.

The Committee of Commerce, to whom was referred the letter of 15 July, from Mons. de Francey, brought in a report, which was taken into consideration: Whereupon,

The Commercial Committee having taken into their consideration a letter from Monsieur de Francey, dated Williamsburgh 15<sup>th</sup> July, 1778, and in consequence thereof examined into the circumstances of the several Cargoes of Tobacco mentioned in said Letter beg leave to report,

That M<sup>r</sup> R. Morris wrote a Letter to this Committee, dated Manheim, the 24<sup>th</sup> January, 1778, enclosing a Copy of a Letter from M<sup>r</sup> John Ross to him, dated Passy, 7<sup>th</sup> October, 1777, advising that the Honorable Commissioners at the Court of France had advanced him 450,000 Livres Tournois towards enabling him to make good his payments and engagement for Goods he had purchased on account of the United States in conformity with instructions given him by the Secret Committee, and that he had engaged to repay the Commissioners when enabled to do it by remittances from America. M<sup>r</sup> Morris conceiving it of importance that M<sup>r</sup> Ross should be enabled to return the Monies thus advanced to him, proposed to the Committee that some cargoes of Tobacco laden on Continental Account, and then lying in Maryland and Virginia, might be consigned to the said M<sup>r</sup> John Ross for that purpose, as well as to reimburse him of his own advances, and the Committee concurring in this opinion authorized and empowered M<sup>r</sup> Morris by their Letter of the 30<sup>th</sup> January last to direct such consignments. In conformity thereto, he immediately wrote to the Agents who had the care of the following Vessels and cargoes directing them to the Address of M<sup>r</sup> Ross viz:

Snow <i>Speedwell</i> , Captain Kent, with	142	Hhds. tobacco.
Brig <sup>d</sup> <i>Braxton</i> , Captain James, with	120	do
Brig <sup>d</sup> <i>Governor Johnston</i> , with	476	do
Brig <sup>d</sup> <i>Morris</i> , Capt. Gunnison, with	269	do
	<hr/>	
	1007	

These assignments were made to the consignment of M<sup>r</sup> Ross before Monsieur de Francy appeared at Congress, which did not happen until the middle of February last; consequently cannot in any shape be construed or deemed as a breach of the contract afterwards made with him.

Your Committee find that M<sup>r</sup> John Ross has, in conformity with the instructions he received from the Secret Committee, purchased and shipped goods for the public Account to the Amount of £50,000 Sterling, of which the whole or nearly the whole are safely landed in America, and that he has received towards the Cost of these goods 450,000 livres from the Commissioners, equal to about £20,000 Sterling, and part of the neat proceeds resulting from sundry cargoes of produce and bills of exchange purchased with 90 M Continental dollars, equal to £33,750

Pennsylvania Currency remitted to him, which we cannot reasonably expect to realize above £15,000 St<sup>r</sup>. Consequently a balance of £15,000 Sterling remains due to him, besides the advances he has made for the cost of the ship *Queen of France* and her Outfit, by order of the Commissioners. These Debts being contracted, recognized and the consignments of the four cargoes of tobacco ordered previous to the contract with M<sup>r</sup> De Francy, Your Committee are of opinion said Cargoes ought to go forward to address of M<sup>r</sup> John Ross agreeable to the instructions given by M<sup>r</sup> R. Morris.

*Ordered*, That the cargoes of the snow *Speedwell*, of the brigs *Braxton*, *Governor Johnston* and *Morris*, now ready to sail from America for France, be consigned to the commissioners of Congress at Paris, who are directed to settle the accounts of Mr. John Ross with Congress, and to pay him the balance thereof out of the proceeds of the said cargoes; and the residue, if any, to the house of Hortalez & Co. as they judge proper.<sup>1</sup>

*Ordered*, That the ship *Virginia*, now laying laden with a cargo of tobacco on public account in Virginia, be consigned to Messrs. Roderique Hortalez & Co.,

in Conformity with the Contract made with Mr. De Francey, and that such other Consignments and Remittances should be made to Messrs. Roderique Hortalez & Co., as can with convenience and propriety be accomplished, and that Mr. De Francey should be informed thereof, with an explanation of the circumstances set forth in this Report.<sup>2</sup>

Adjourned to 9 o'Clock on Monday.

<sup>1</sup> This paragraph, which did not form part of the original report, is in the writing of Francis Dana, and is in the *Papers of the Continental Congress*, No. 31, folio 183½.

<sup>2</sup> This report, in the writing of ———, is on folio 181. On folio 235 is the following, without date: "The Commercial Committee beg leave to Report that a warrant issue on the Treasurer in their favor for Three thousand three hundred and Thirty-three dollars, and one-third of a dollar, to be sent to Carter Braxton, Esq., for the purpose of fitting out the ship *Virginia* for the sea."

## MONDAY, AUGUST 3, 1778

A letter, of 2d, and one of 3d, from Cornelius Sweers, were read: Whereupon, a motion was made for an order,<sup>1</sup>

“That Colonel Benjamin Flower, commissary general of military stores, be immediately arrested and closely confined in the gaol in this town:”

To this an amendment was moved,

“That a member of this house be appointed forthwith to repair to the place where Cornelius Sweers, late deputy commissary of military stores, is confined, and to take the deposition of the said Cornelius Sweers, relative to the charge made by him against Colonel Benjamin Flower, for frauds in his office; and in case it should appear, on the deposition of the said Cornelius Sweers, that Colonel B. Flower is charged with frauds and malpractices in the discharge of his office, in such case notice be given to the Board of War, who are hereby ordered to arrest the said Benjamin Flower without delay, and to confine him in gaol, taking care to secure his money and effects, and all his papers of a public nature.”

|| On which amendment, || the yeas and nays being required by Mr. [William] Duer,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Bartlett,	no } no	Mr. Sherman,	no }
<i>Massachusetts Bay,</i>		Hosmer,	no } no
Mr. S. Adams,	no }	A. Adams,	no }
Dana,	no }	<i>New York,</i>	
Lovell,	no } no	Mr. Duer,	ay }
Holten,	no }	G. Morris,	ay } ay
<i>Rhode Island,</i>			
Mr. Marchant,	no } no		

<sup>1</sup> These letters are in the *Papers of the Continental Congress*, No. 78, XX, folios 239 and 241.

<i>New Jersey,</i>			<i>North Carolina,</i>	
Mr. Scudder,	no	} div.	Mr. Penn,	no } no
Boudinot,	ay		<i>South Carolina,</i>	
<i>Pennsylvania,</i>			Mr. Laurens,	ay
Mr. R. Morris,	ay	} ay	Drayton,	no
<i>Maryland,</i>			Mathews,	no
Mr. Chase,	no	} no	Heyward,	ay
Forbes,	no		<i>Georgia,</i>	
Plater,	ay		Mr. Telfair,	ay } ay
<i>Virginia,</i>				
Mr. R. H. Lee,	ay	} ay		
Banister,	ay			
T. Adams,	ay			
Harvie,	ay			

So it passed in the negative.

Another amendment was moved in the words following:

"Colonel Benjamin Flower, commissary general of military stores, being charged with mal-conduct in the execution of his office,

"*Ordered*, That he be arrested and safely kept until the further order of Congress:"

On the question to agree to this amendment, the yeas and nays being required by Mr. [Samuel] Chase,

<i>New Hampshire,</i>			<i>New York,</i>	
Mr. Bartlett,	ay	} ay	Mr. Duer,	ay
<i>Massachusetts Bay,</i>			G. Morris,	ay
Mr. S. Adams,	ay	} ay	<i>New Jersey,</i>	
Dana,	ay		Mr. Scudder,	ay
Lovell,	ay		Boudinot,	ay
Holten,	ay		<i>Pennsylvania,</i>	
<i>Rhode Island,</i>			Mr. R. Morris,	ay } ay
Mr. Marchant,	ay	} ay	<i>Maryland,</i>	
<i>Connecticut,</i>			Mr. Chase,	no
Mr. Sherman,	ay	} ay	Plater,	ay
Hosmer,	no		Forbes,	ay
A. Adams,	ay			

<i>Virginia,</i>			<i>South Carolina,</i>		
Mr. R. H. Lee,	ay	} div.	Mr. Laurens,	ay	} div.
Banister,	no		Drayton,	no	
T. Adams,	ay		Mathews,	ay	
Harvie,	no		Heyward,	no	
<i>North Carolina,</i>			<i>Georgia,</i>		
Mr. Penn,	ay } ay		Mr. Telfair,	ay } ay	

So it was resolved in the affirmative.

*Ordered,* That the Board of War carry into execution the foregoing order.

*Ordered,* That the continental treasurer make no farther payments of money to Colonel Benjamin Flower, or his order, upon any warrants heretofore granted, until farther order of Congress.

A letter, of the 2d, from Captain Hawker and other officers of the *Mermaid*, was read.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

## TUESDAY, AUGUST 4, 1778

Mr. John Williams, a delegate from North Carolina, attended and took his seat in Congress.

A letter, of 28 July, from General Washington, by Major General Putnam, was read:<sup>2</sup>

*Ordered,* That it be referred to a committee of three:

The members chosen, Mr. [Titus] Hosmer, Mr. R[ichard] H[enry] Lee, and Mr. [Nathaniel] Scudder.

A letter, of 20 July, and one of the 22d July, from the council of Massachusetts bay, were read:

<sup>1</sup> This petition is in the *Papers of the Continental Congress*, No. 78, XI, folio 313. It was also signed by John Stoddart, Thomas Dickinson, John P. Peirs, Watkin Trench, and Thomas Dawkins.

<sup>2</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 179; that of Massachusetts is in No. 85, I, folios 330 and 334.



*Ordered*, That the letter, of the 22d, be referred to the committee on the letter of 23 July, from J. Wadsworth, Esq. commissary general.

A letter, of 24 July, from W. Finnie, deputy quarter master general, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 21 [20] July, from Colonel D. Mason, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 3d, from Major General Arnold,<sup>1</sup> accompanied with the proceedings of a general court martial against Jacob Rhoads and Jacob Gandy, both sentenced to suffer death, but at the same time recommended by the court as proper objects of mercy, was read, setting forth "that he has ordered the sentence to be suspended until the pleasure of Congress is known, and begging leave, as many circumstances appear in favour of the prisoners, to recommend them to Congress as proper objects of mercy:" Whereupon,

*Resolved*, That a pardon be granted to the said prisoners.

A representation from William de Galathea, Esq. proprietor and commander of the ship *Foubonne*, was read.

*Ordered*, That it be referred to the Marine Committee.

A petition and memorial from James Cellers and Henry Horn, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three, who are directed to report specially thereon:

The members chosen, Mr. [William Henry] Drayton, Mr. [Titus] Hosmer, and Mr. R[ichard] H[enry] Lee.

A letter, of 18 July, from Colonel T. Bland, of the light dragoons, respecting rank, was read:<sup>3</sup>

<sup>1</sup> Mason's letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 375; that of Arnold in No. 162, folio 122. The court martial record is with it.

<sup>2</sup> This petition is in the *Papers of the Continental Congress*, No. 41, VII, folio 185.

<sup>3</sup> This letter is in the *Papers of the Continental Congress*, No. 78, III, folio 21.

*Ordered*, That it be referred to the Board of War.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay master to the Board of War and Ordnance, for one million of dollars, to be by him transmitted to William Palfrey, Esq. pay master general at camp, for the use of his department, and for which he is to be accountable.

*Ordered*, That the following warrants issue in favour of Colonel John Cox, assistant quarter master general, for the use of the quarter master general's department, amounting to the sum of two millions of dollars, to be charged to Major General Greene, quarter master general, viz.

One on the treasurer for the sum of one million five hundred thousand dollars; one on Derick Ten Broek, commissioner of the continental loan office in the State of New York, for one hundred thousand dollars; one on John Lawrence, Esq. commissioner of the continental loan office in the State of Connecticut, for one hundred and fifty thousand dollars; one on Joseph Clarke, Esq. commissioner of the continental loan office in the State of Rhode Island, for one hundred thousand dollars; and one on Nathaniel Appleton, Esq. commissioner of the continental loan office in the State of Massachusetts bay for one hundred and fifty thousand dollars.<sup>1</sup>

*Ordered*, That the Committee on the Treasury lay before Congress an account of the sums of money granted to the present quarter master general for the use of his department; of the sums granted to the present commissary general of purchases, for the use of his department; and of the sums granted to the commissary general of

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 429a.

military stores, for the use of his department; and also to the cloathier general, for the use of his department.

The Committee on the Treasury brought in another report; Whereupon,

*Ordered*, That a warrant issue on the treasurer for 1759 15/90 dollars, in favour of the Committee of Commerce, to enable them to pay James Warren, Esq. of Boston, his account of freight and charges on sundry merchandise belonging to the United States, agreeably to his account rendered them, dated 16 July last; the said Committee to be accountable:

*Ordered*, That a warrant issue on the treasurer for one hundred thousand dollars, in favour of Jonathan Potts, Esq. deputy director general of the middle district, for the use of his department; he to be accountable.

That a Committee be appointed to repair to Camp to confer with General Washington on the best mode of introducing economy into the several Departments of the Staff, and retrenching the enormous expence of the same.<sup>1</sup>

On motion, *Ordered*, That the commissary general of prisoners do, from time to time, on the exchange of prisoners in the possession of the enemy, take proper care of those who shall appear to be in such ill state of health as to be unable to travel, either by sending them to a public hospital, or when that cannot be readily effected, by appointing proper persons to take care of them on the easiest terms practicable; and that those who are able to travel, be furnished with orders on the different commissaries of issues, on their way for such a number of rations as may be necessary for their support to their respective places of abode; also that the commissary of prisoners do keep exact accounts of the expences attending those that

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 431. The last paragraph was postponed.

belong to the different states, and are not in the continental service.

The Marine Committee, to whom was referred the petition of William Storey, clerk to the navy board of the eastern department, report as their opinion, that it is not expedient at this time to raise salaries, when measures are about to be taken by Congress for the appreciation of the currency; but in consideration of the great and constant business in which the above petitioner is engaged, and the expensive living for the past and at the present time, the committee think a compensation of 500 dollars, for his extra services and expences since his appointment, should be allowed him.

The Committee farther report, that as the commissioners of the navy board of the eastern department, are necessarily obliged, for the right discharge of their duty, frequently to visit the different parts of their extensive district, they be allowed 365 dollars each, for their travelling expences the year past.

*Resolved*, That Congress agree to the said report.

Congress resumed the consideration of the letter of the 2d, from Captain Hawker, and the other officers of the *Mermaid*, and after debate,

*Resolved*, That the farther consideration thereof be postponed.

A letter of this day from the Board of War, signed "by order of the Board, T. Pickering, President" was read; whereupon a motion was made that the said letter signed "by order of the board, Timothy Pickering" is a breach of the privilege of Congress.

Moved to postpone the consideration of the motion, the yeas and nays being required by Mr. [Henry] Marchant:

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	ay	ay	Mr. Chase,	ay	
<i>Massachusetts bay,</i>			Plater,	ay	ay
Mr. S. Adams,	ay		Forbes,	ay	
Dana,	ay	ay	<i>Virginia,</i>		
Holten,	ay		Mr. R. H. Lee,	ay	
<i>Rhode Island,</i>			Banister,	ay	ay
Mr. Marchant,	no	no	T. Adams,	ay	
<i>Connecticut,</i>			Harvie,	ay	
Mr. Sherman,	ay		<i>North Carolina,</i>		
Hosmer,	ay	ay	Mr. Penn,	ay	ay
A. Adams,	ay		Williams,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Lewis,	ay	ay	Mr. Laurens,	ay	
Duer,	ay		Drayton,	no	ay
<i>New Jersey,</i>			Mathews,	ay	
Mr. Scudder,	ay	ay	Heyward,	ay	
Boudinot,	ay		<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Walton,	ay	ay
Mr. R. Morris,	ay	ay	Telfair,	ay	
Reed,	ay				

So it was resolved in the affirmative.

*Resolved,* That the execution of the resolution of yesterday, relative to the arrest of Colonel Benjamin Flower, commissary general of military stores, be committed to Major General Arnold; and that the secretary transmit to the general a copy of the said resolution.

Adjourned to 9 o'Clock to Morrow.

### WEDNESDAY, AUGUST 5, 1778

A memorial from Samuel H. Sullivan, deputy quarter master general under General Mifflin, late quarter master general, was read:<sup>1</sup>

*Ordered,* That it be referred to the Board of War.

<sup>1</sup>This memorial, dated July 31, is in the *Papers of the Continental Congress*, No. 41, IX, folio 52.

Brigadier Maxwell having recommended the Rev. Andrew Hunter to be appointed chaplain to his brigade, *Resolved*, That the said Rev. Andrew Hunter be, and he is hereby appointed chaplain to the brigade commanded by Brigadier Maxwell.

Motion was made, that the pay of the Rev. Mr. Hunter commence from the date of the resolution for appointing brigade chaplains: Question put,

Passed in the negative.

According to order, the Committee on the Treasury laid before Congress an account of the sums of money granted to the quarter master general, to the commissary general of purchases, to the commissary general of military stores, and to the cloathier general, severally, for the use of their respective departments.

The proceedings of a court martial on the trial of Captain Manly, late captain of the continental ship *Hancock*, and the proceedings of a court on the trial of Thomas Thompson, late captain and commander of the ship *Raleigh*, in the service of the United States, ||were laid before Congress:||

*Ordered*, That the proceedings on the trial of Captain Manly be returned to the Marine Committee, to be filed among their papers; and that the proceedings on the trial of Captain Thompson lie on the table.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Joseph Nourse, Esq. pay master to the Board of War and Ordnance, for six thousand dollars, to answer the draughts of the Board for the use of the baking department; the said Joseph Nourse to be accountable.

That the following persons be nominated as signers of Bills of Credit [*no names are given*].

*Ordered*, That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, for three hundred dollars, to reimburse him a like sum advanced to Cornelius Sweers, deputy commissary general of military stores, the said Cornelius Sweer's is to be accountable:

*Ordered*, That a warrant issue on the treasurer, on the application of the Board of War, in favour of Joseph Nourse, pay master of the Board of War and Ordnance, for six thousand dollars, to be by him paid over to Colonel John Beatty, commissary general of prisoners, for the use of his department, who is to be accountable.<sup>1</sup>

Congress resumed the consideration of the report of the Board of Treasury, dated 22 July; Whereupon,

*Ordered*, That a warrant issue on the Treasurer of the State of Massachusetts bay, for three hundred thousand dollars, in favour of the president and council of the said State, to be paid out of the money assessed by the State, agreeably to a resolution of Congress of the 22d November last, the said State to be accountable.

A letter, of this day, from Major General Arnold, was read, informing, that in pursuance of the resolution of Congress, relative to the arrest of Colonel B. Flower, he has arrested him in the usual manner, and desiring an explanation of the resolution with respect to the safe keeping of Colonel Flower;<sup>2</sup> Whereupon,

*Resolved*, That Mr. President be requested to inform Major General Arnold, that it is the intention of Congress that Colonel B[enjamin] Flower should be securely kept in a convenient room under a sufficient guard.

A member from New Jersey laid before Congress an extract of a letter from James Caldwell:

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 435.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 162, folio 136.

*Ordered*, That so much thereof as relates to prisoners, inhabitants of these states, taken by the French fleet, be referred to Mr. [William] Duer; and so much as relates to vessels captured by the said fleet, be referred to the Marine Committee.

Adjourned to 5 o'Clock.

FIVE O'CLOCK, P. M.

On motion, *Resolved*, That the door of the Congress chamber be open during the audience to be given to the minister plenipotentiary of his most Christian Majesty.

*Resolved*, That the delegates of the State of Pennsylvania be requested to inform the vice president, supreme executive council, speaker and assembly of the said State, that the Minister Plenipotentiary of his most Christian Majesty the King of France, will receive his audience of Congress at 12 o'Clock to Morrow, when the doors of the Congress chamber will be opened.

That each member of Congress may give two tickets for the admittance of other persons to the audience of the Minister, and that no persons, except those specified in the foregoing resolution, be admitted without such a ticket, or a ticket signed by the members appointed to introduce the Minister to Congress.

A letter, of this day, from Colonel Benjamin Flower, was read:<sup>1</sup>

*Ordered*, That it be referred to the committee appointed to report the mode of trying Cornelius Sweers.

Some doubts arising respecting the ceremonial to be observed at the public audience of the Minister Plenipotentiary, Congress took the same into consideration: and thereupon,

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, IX, folio 171.



*Resolved*, That when the Minister is introduced to his chair by the two members, he shall sit down. ~~While he is sitting, the member first named shall announce him to the President and the house.~~

~~The President and the house shall remain sitting until the Minister is announced.~~

His secretary shall then deliver to the President the letter of his sovereign, which shall be read and translated by the secretary of Congress. Then the Minister shall be announced, at which time the President, the house, and the Minister, shall rise together.

The Minister shall then bow to the President and the house, and they to him.

The Minister and the President shall then bow to each other, and be seated; after which the house shall sit down.

The Minister shall deliver his speech standing.

The President and the house shall sit while the Minister is delivering his speech.

~~The President shall rise~~ house shall rise, and the President shall deliver the answer standing, ~~but the house shall remain sitting.~~

The Minister shall stand while the President delivers the answer.

Having spoken, and being answered, the Minister and the President shall bow to each other, at which time the house shall bow, and then the Minister shall be conducted home in the manner in which he was brought to the house.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, AUGUST 6, 1778

A letter, of this day, from Cornelius Sweers, was read:<sup>1</sup>

*Ordered*, That it be referred to the committee appointed to report the mode of trying Cornelius Sweers; and that

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 245.

the committee be directed to take the examination, upon oath, of Cornelius Sweers, deputy commissary of military stores, touching his accusation of Colonel Benjamin Flower, commissary general of military stores; and that the same committee be authorized to send for persons and papers, which they may deem proper for the better prosecution of the business, and to seize and keep such papers of the said Flower and Sweers.

According to order, the hon. Sieur Gérard being introduced to an audience by the two members for that purpose appointed, and being seated in his chair, his secretary delivered to the President a letter from his most Christian Majesty, which was read in the words following:<sup>1</sup>

TRANSLATION

TRÈS CHERS, GRANDS AMIS ET ALLIÉS:

Les traités, que nous avons signés, avec vous, en conséquence des propositions, que vos députés nous ont faites de votre part, vous sont un garant assuré de notre affection pour les États-Unis en général et pour chacun d'eux en particulier, ainsi que de l'intérêt que nous prenons et que nous prendrons constamment à leurs bonheurs et à leur prospérité. C'est pour vous en convaincre d'une manière plus particulière, que nous avons nommé le sieur Gérard, secrétaire de notre conseil d'état pour résider auprès de vous en qualité

VERY DEAR, GREAT FRIENDS AND ALLIES:

The treaties which we have signed with you, in consequence of the proposals your commissioners made to us in your behalf, are a certain assurance of our affection for the United States in general, and for each of them in particular, as well of the interest we take and constantly shall take in their happiness and prosperity. It is to convince you more particularly of this that we have nominated the Sieur Gérard, secretary of our council of state, to reside among you in the quality of minister plenipotentiary. He is the better ac-

<sup>1</sup> "Messrs. Richard H. Lee and Samuel Adams, a Committee of Congress, present their respectful comp<sup>d</sup> to the Hon. the Vice President and Council of the State of Pennsylvania, and beg the favor of them to order a sufficient number of Peace Officers to prevent any interruption of the Minister of France, on his passage to and from the Congress Chamber this day, August 6, 1778."

de notre ministre plénipotentiaire. Il connoît d'autant mieux les sentimens, que nous vous portons, et il est d'autant plus en état de vous en rendre témoignage qu'il a été chargé de notre part de négocier, avec vos députés, et qu'il a signé avec eux les traités, que cimentent notre union. Nous vous prions d'ajouter foi entière à tout ce qu'il vous dira de notre part, principalement lorsqu'il vous assurera de notre affection et de notre constante amitié pour vous. Sur ce nous prions Dieu, qu'il vous ait, très, chers, grands amis et alliés, en sa sainte et digne garde.

Écrit à Versailles, le 28 Mars, 1778. Votre bon ami et allié,

LOUIS.

GRAVIER DE VERGENNES.

A nos très chers grands amis et alliés les président et membres du Congrès général des États-Unis de l'Amérique Septentrionale.

quainted with our sentiments towards you, and the more capable of testifying the same to you, as he was entrusted on our part to negotiate with your commissioners and signed with them the treaties which cement our union. We pray you to give full credit to all he shall communicate to you from us, more especially when he shall assure you of our affection and constant friendship for you. We pray God, very dear, great friends and allies, to have you in his holy keeping.

Versailles, 28th March, 1778.

Your good friend and ally,  
(Signed,) LOUIS.

(Undersigned,)

GRAVIER DE VERGENNES.

To our very dear great friends and allies, the president and members of the general Congress of the United States of North America.

The Minister was then announced to the President and the house: ~~and having bowed and being bowed to according to the ceremonial, delivered the following speech:~~ whereupon he arose and addressed Congress in a speech, which, when he had finished, his secretary delivered in writing to the President, and is as follows:

#### TRANSLATION

MESSIEURS: Les liaisons, que le roi mon maître a formées avec les États-Unis de l'Amérique lui sont si agréables; qu'il n'a pas voulu différer de m'envoyer résider auprès de vous pour les cimenter.

GENTLEMEN: The connexion formed by the king my master, with the United States of America, is so agreeable to him, that he could no longer delay sending me to reside among you for the pur-

Sa majesté apprendra avec satisfaction que les sentimens, qui se sont manifestés à cette occasion, justifient la confiance que lui avoient inspiré le zèle et le caractère des députés des États-Unis en France; la sagesse et la fermeté qui ont dirigé vos résolutions ainsi que la constance et le courage, que les peuples ont fait éclater. Vous savez, messieurs, que cette confiance a fait la base du plan vraiment amical et désintéressé sur lequel sa majesté a traité avec les États-Unis.

Il n'a pas dépendu d'elle, que ses engagemens n'assurassent votre indépendance et votre repos sans effusion ultérieur de sang et sans aggraver les maux de l'humanité dont tout son ambition est d'assurer le bonheur; mais les dispositions et les résolutions hostiles de l'ennemi commun ayant donné à des engagemens purement éventuels une force, actuelle, positive, permanente et indissoluble, le roi mon maître a pensé que les deux alliés ne doivent plus s'occuper que du moyens de les remplir de la manière la plus utile à la cause commune, et la plus efficace pour parvenir à la paix, qui est l'objet d'alliance. C'est d'après ce principe, que sa majesté s'est hâtée de vous envoyer un secours puissant: vous ne le devez, messieurs, qu'à son amitié, à l'intérêt sincère,

pose of cementing it. It will give his majesty great satisfaction to learn, that the sentiments which have shone forth on this occasion justify that confidence with which he hath been inspired by the zeal and character of the commissioners of the United States in France, the wisdom and fortitude which have directed the resolutions of Congress, and the courage and perseverance of the people they represent; a confidence which you know, gentlemen, has been the basis of that truly amicable and disinterested system on which he hath treated with the United States.

It is not his majesty's fault that the engagements he hath entered into did not establish your independence and repose, without the further effusion of blood, and without aggravating the calamities of mankind, whose happiness it is his highest ambition to promote and secure. But, since the hostile measures and designs of the common enemy have given to engagements purely eventual, an immediate, positive, permanent, and indissoluble force, it is the opinion of the king my master, that the allies should turn their whole attention to fulfil those engagements in the manner most useful to the common cause, and best calculated to obtain that peace which is the object of the alliance.

It is upon this principle, gentlemen, his majesty hath hastened to

qu'elle prend aux avantages des États-Unis, et au désir qu'elle a de concourir efficacement à affirmer, votre repos et votre prospérité sur des bases honorables et solides elle espère d'ailleurs, que les principes adoptés par les gouvernemens contribueront à étendre les liaisons, que l'intérêt mutuel des peuples respectifs avoit déjà commencé à établir entre eux. La principale pointe de mes instructions est de faire marcher sur la même ligne les intérêts de la France et ceux des États-Unis. Je me flatte, messieurs, que ma conduite passe dans les affaires, qui les interressent, vous aura déjà convaincu, que je n'ai point de désir plus cher que celui d'exécuter mes instructions de manière à mériter la confiance du Congrès, l'amitié de ses membres et l'estime de tous les citoyens.

GÉRARD.

send you a powerful assistance, which you owe only to his friendship, to the sincere regard he has for every thing which relates to the advantage of the United States, and to his desire of contributing with efficacy to establish your repose and prosperity upon an honorable and solid foundation. And further, it is his expectation that the principles which may be adopted by the respective governments, will tend to strengthen those bonds of union which have originated in the mutual interests of the two nations.

The principal object of my instructions is, to connect the interests of France with those of the United States. I flatter myself, gentlemen, that my past conduct in the affairs which concern them, hath already convinced you of the determination I feel to endeavor to obey my instructions in such manner as to deserve the confidence of Congress, the friendship of its members, and the esteem of the citizens of America.

(Signed,) GÉRARD.

To which the president returned the following answer:

SIR: The treaties between his most Christian majesty and the United States of America, so fully demonstrate his wisdom and magnanimity as to command the reverence of all nations. The virtuous citizens of America, in particular, can never forget his beneficent attention to their violated rights, nor cease to acknowledge the hand of a gracious Providence in raising them up so powerful and illustrious a friend. It is the hope and opinion of Congress that the confidence his majesty

reposes in the firmness of these states, will receive additional strength from every day's experience.

This assembly are convinced, sir, that had it rested solely with the most Christian king, not only the independence of these states would have been universally acknowledged, but their tranquillity fully established. We lament that lust of domination which gave birth to the present war, and hath prolonged and extended the miseries of mankind. We ardently wish to sheath the sword, and spare the further effusion of blood; but we are determined, by every means in our power, to fulfil those eventual engagements which have acquired positive and permanent force from the hostile designs and measures of the common enemy.

Congress have reason to believe that the assistance so wisely and generously sent, will bring Great Britain to a sense of justice and moderation, promote the interests of France and America, and secure peace and tranquillity on the most firm and honorable foundation. Neither can it be doubted that those who administer the powers of government within the several states of this union will cement that connection with the subjects of France, the beneficial effects of which have already been so sensibly felt.

SIR: From the experience we have had of your exertions to promote the true interests of our country as well as your own, it is with the highest satisfaction Congress receive as the first minister from his most Christian majesty, a gentleman whose past conduct affords a happy presage, that he will merit the confidence of this body, the friendship of its members, and the esteem of the citizens of America.

In Congress August 6, 1778.

(Signed)

HENRY LAURENS,  
*President.*<sup>1</sup>

The secretary of Congress then delivered to the Minister a copy of the foregoing reply, signed as above.

Whereupon the Minister withdrew, and was conducted home in the manner in which he was brought to the house.

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup> This reply, in the writing of Charles Thomson, is in the *Papers of the Continental Congress*, No. 25, I, folio 53.

FRIDAY, AUGUST 7, 1778

A letter, of 1, from Mr. Matthew Clarkson, auditor of accounts in the main army, was read, informing, "that when he was appointed to that office he was possessed of the commission of marshal of the court of admiralty for the State of Pennsylvania, which he still holds," and representing, "that his duty in that office now claims his attention, and that, therefore, he is constrained to tender a resignation of his office as auditor;" and begging "Congress will be pleased to accept it:" Whereupon,

*Resolved*, That his resignation be accepted.<sup>1</sup>

The Board of War, to whom the petition of Captain Stoddard, of the 2d regiment of light dragoons, was referred, having made report, the same was read,

*Ordered*, To lie on the table.

A motion was made to amend the journal of yesterday, by inserting the names of the members of Congress who introduced the Minister; Whereupon, a question was moved whether, as the journal has been read, and other matters entered upon, such a motion was in order, unless by general consent.

Question put,

*Resolved*, That the motion to amend is not now in order.

The committee to whom was referred the letter of General Heath, to the Board of Treasury dated November 27, 1777, report,

That they have carefully examined the files and journals of Congress, so far as they respect the defence of the State of Rhode Island and Providence Plantations, and the rise of the expedition against the island of Rhode Island, and find: that at a meeting of the committees appointed

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 185.

by the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, and Connecticut, convened at Providence, on the 25th day of December, 1776, it was among other things resolved, "That it is the opinion of this committee, that while so large a body of the enemy is in possession of Rhode Island, it is necessary to keep 6,000 men in the State of Rhode Island to oppose them." That the proceedings of the said committees were laid before Congress, who upon the 15 day of February, 1777, resolved, "That, considering the situation of the New England states, Congress approve of the measures adopted and recommended by the committees from the four New England states, for the defence of the State of Rhode Island."

That, on the 16th day of April, 1777, Congress resolved, "That it be recommended to the general assembly of the State of Rhode Island and Providence Plantations to collect, with the utmost despatch, the whole force thereof, and therewith, aided by such parts of the militia of Massachusetts Bay, and Connecticut as are contiguous to the said State, to attack and destroy the enemy on the island of Rhode Island aforesaid: *Resolved*, That it be, and hereby it is recommended to the states of Massachusetts Bay and Connecticut, to give every assistance in their power, by calling out the militia of their respective towns which lie next to the State of Rhode Island, and to promote and execute this important service: that General Washington be directed to appoint such general officers as he shall judge proper to carry the foregoing resolutions into effect. *Ordered*, That a copy of the foregoing resolution be sent by express to General Washington, and the three New England states."

That at a meeting of committees from the states of New Hampshire, Massachusetts Bay, Connecticut, Rhode



Island, and New York, held at Springfield, 30 July, 1777, it was among other things resolved, "that the State of Rhode Island be requested to fill up their two batallions as soon as may be, for the defence of that State; that the State of Massachusetts Bay be desired to hasten on the two batallions they have ordered for that purpose; that the State of Connecticut be desired to raise and equip one batallion of 728 men, with all speed, and direct them to the above service; and that the State of New Hampshire be desired to raise and equip 300 men, with all speed, and direct them to the above purpose." That on the 21 August, 1777, Congress resolved, "That fire-ships should be prepared to attack and destroy the British ships in the rivers and bays of the State of Rhode Island: That General Spencer be made acquainted with the foregoing resolve, and that he be instructed, as far as possible, to favour the said designs by such attacks or feints as he may judge proper, with the troops and boats under his command." That on the 13th day of January, 1778, Congress resolved, "That it be earnestly recommended to the states of New Hampshire, Massachusetts Bay, Rhode Island, and Connecticut, immediately to furnish and keep up constantly in the State of Rhode Island and Providence Plantations, for the defence of the said State, their several quotas of troops as adjusted by the resolution of a committee from the said states and the State of New York, which met at Springfield, the 30th day of July last." That Congress, on the 14 January, 1778, resolved, "That Ebenezer Hancock, Esq: deputy pay master general of the eastern district, be directed, forthwith, to appoint an assistant pay master, constantly to attend and pay the army stationed in or near Providence, for the defence of the State of Rhode Island and Providence Plantations, applying to

Congress, from time to time, for the necessary supplies of money for the same; and that the commanding officer in the said State be fully empowered to draw on the said assistant pay master for the necessary supplies of the army aforesaid." That on the 17th of July, 1777, Congress resolved, "That General Spencer be informed, in answer to his letter of the 20th May, that Congress confirm the appointment made by him of William Peck, Esq. deputy adjutant general to the militia and state troops of Rhode Island, kept in continental pay; that for money to pay the said troops he is to make application to Ebenezer Hancock, Esq. at Boston, deputy pay master general to the troops in the eastern department; and that as the quarter master general has the appointment of all his deputies, application is to be made to him for the appointment of a deputy quarter master general:" Whereupon,

*Resolved*, That the expence of the late intended expedition against the island of Rhode Island be borne by the continent.<sup>1</sup>

The letter of the 4th<sup>2</sup> signed "by order of the board Tim. Pickering" was called for and read. Whereupon it was prayed that leave be given to withdraw the motion made on the said letter on Wednesday last, which was given, and the same withdrawn accordingly: And a resolution was moved in the words following:

"That it is the duty of the Board of War implicitly to obey and execute every order or direction of Congress agreeable to the terms of such order or direction, and that any neglect or delay in executing any order of Congress and every excuse for disobedience and any evasion to execute such order is a breach of duty and derogatory to

<sup>1</sup>This report, in the writing of William Ellery, is in the *Papers of the Continental Congress*, No. 19, III, folio 115.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 163. It is endorsed by Laurens: "Read and debated the same day [6th?]; postponed 7th for 8th.

the authority, honor and dignity of Congress. That the letter of the 4 instant signed, "By order of the board Tim. Pickering" cannot be considered the act of the Board of War, because the resolve of Congress of the 21 day of April requires that not less than three persons be present to constitute a Board of War: That T. Pickering, Esq. by writing the said letter, and Richard Peters, Esq., by assenting thereto, were guilty of a high insult to this house; That by requesting Congress to excuse them from an immediate execution of their order to arrest and safely keep Colonel B. Flower, they were guilty of a breach of duty; That by requesting Congress that a military arrest should be the only restraint on the person of Colonel B. Flower, they were guilty of a disobedience to the Authority of Congress; That their offering reasons to prove the innocence of Colonel Flower was insolent and affrontive; That by expressing their extreme pain and reluctance to carry the resolve of Congress to arrest and safely keep Colonel Flower, they were guilty of a disobedience to the power and authority of Congress, and that their conduct was insolent and affrontive to the honor and dignity of Congress." This resolution, in the writing of Samuel Chase, is in the Papers of the Continental Congress, No. 36, IV, folio 271. The amendment, in the writing of Francis Dana, is in No. 78, XVIII, folio 197.

An amendment was moved in lieu of the whole, in the words following:

*Ordered*, That Timothy Pickering and Richard Peters Esquires, commissioners of the Board of War, be forthwith directed to attend at the bar of this house, to answer such questions as may be put to them severally, touching an Order of this house of the 3d instant requiring the Board of War to arrest and safely keep Colonel Flower, and also touching a letter dated the 4th instant, signed

“By order of the board Tim. Pickering,” and directed to the president of the house.

After debate,

A motion was made, that the farther consideration of the letter, and several resolutions moved, be postponed till to morrow.

The yeas and nays being required, by Mr. [Henry] Marchant:

<i>New Hampshire,</i>			<i>Pensylvania,</i>		
Mr. Bartlett	ay	ay	Mr. R. Morris,	ay	ay
<i>Massachusetts Bay,</i>			Roberdeau,	ay	
Mr. Gerry excused from voting			<i>Maryland,</i>		
(not having been present			Mr. Chase,	no	no
at the debate).			Plater,	ay	
			Forbes,	no	
Dana,	no	ay	<i>Virginia,</i>		
Lovell,	ay		Mr. R. H. Lee,	no	ay
Holten,	ay		Banister,	ay	
<i>Rhode Island,</i>			T. Adams,	ay	
Mr. Marchant,	no	no	Harvie,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Sherman,	no	no	Mr. Penn,	ay	div.
Hosmer,	ay		Williams,	no	
A. Adams,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Laurens,	no	div.
Mr. Lewis,	no	div.	Drayton,	no	
G. Morris,	ay		Mathews,	ay	
<i>New Jersey,</i>			Heyward,	ay	
Mr. Witherspoon,	no	no	<i>Georgia,</i>		
Scudder,	no		Mr. Telfair,	ay	ay
Boudinot,	ay				

So it was resolved in the affirmative.

A petition from George Spangler, was read:

*Ordered,* To lie on the table.

*Ordered,* That Mr. [Daniel] Roberdeau have leave of absence.

*Ordered,* That Mr. [Francis] Dana have leave of absence.

The committee to whom was referred the memorial of Colonel Knoblauch, brought in a report, which was read :  
*Ordered*, To lie on the table.

Adjourned to 9 o'Clock to Morrow.

**SATURDAY, AUGUST 8, 1778**

A letter, of 8, from T. Pickering and Richard Peters,<sup>1</sup> two of the commissioners of the Board of War, was read. Whereupon, a motion was made, "That Congress do admit the letter of this date, signed Timothy Pickering and Richard Peters, as a sufficient atonement for the letter of the 4th instant, signed "By order of the board, Tim. Pickering."<sup>2</sup>

The previous question was called for, and the ayes and noes being required by Mr. [William Henry] Drayton :

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	ay	ay	Mr. Chase,	no	} no
<i>Massachusetts Bay,</i>			Plater,	ay	
Mr. S. Adams,	ay	} ay	Forbes,	no	
Dana,	ay		<i>Virginia,</i>		
Holten,	ay		Mr. R. H. Lee,	no	} div.
<i>Rhode Island,</i>			Banister,	ay	
Mr. Marchant,	no	no	T. Adams,	ay	
<i>Connecticut,</i>			Harvie,	no	
Mr. Sherman,	no	} no	<i>North Carolina,</i>		
Hosmer,	no		Mr. Penn,	ay	ay
A. Adams,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Laurens,	no	} no
Mr. Duer,	ay	} ay	Drayton,	no	
G. Morris,	ay		Mathews,	no	
<i>New Jersey,</i>			Heyward,	no	
Mr. Witherspoon,	no	} no	<i>Georgia,</i>		
Scudder,	no		Mr. Telfair,	no	no

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 183.

<sup>2</sup> This motion, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 199.

So it passed in the negative.

The Question was then put on the motion:

Resolved in the affirmative.

A letter, of 8, from T. Pickering, Esq. and a letter of the same date from Major General Arnold, were read.

A letter, from B[enjamin] Randolph, appointed to superintend the making of paper for loan office certificates and bills of exchange, was read, wherein he informs that his engagements in the New Jersey will prevent his attendance on the business to which he was appointed, in less than two weeks from this time, and therefore praying, if the business require immediate attendance, that Congress will please to appoint some other person for the present.<sup>1</sup>

The Board of Treasury having recommended sundry persons ||for|| signers of the continental currency, Congress proceeded to the election, and the ballots being taken, the following gentlemen were chosen, viz. Samuel Nichols, Colonel Patton, Colonel Joseph Copperthwait, Joseph H. Ellis, Richard Humphreys, James Loughhead, Jedediah Snowden, Joseph Walter, Joseph Bullock, William Thorne, Thomas Leiper, John Lardner, Alexander Nesbit, Frederick Phile, John Young, Jun. William Gray, Robert Caither, Colonel Lewis Farmer, John Keppele, William Adcock, Joseph Pennel, Joseph Hubley, John Mease, Peter Stretch, Nathaniel Donald, William Hardy, Joseph Snowden, James Wilson, William Sheaffe, ~~William Shute, William Kenley,~~ and Edward Fox.<sup>2</sup>

<sup>1</sup>The letter of Pickering is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 189; that of Randolph is in No. 78, XIX, folio 245; that of Arnold is in No. 162, folio 140.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 439. At the foot is noted: "The Board of Treasury beg leave to remind Congress that the person appointed to superintend the making of Paper is not in town, and that the stuff now ready for work will be spoiled if some person is not sent to the mill immediately. George Bright will attend; he is already reported from the Board."

The Board of Treasury having also recommended a person to superintend the making of paper for loan office certificates and bills of exchange, Congress proceeded to the election, and the ballots being taken,

George Bright was elected.

Whereas, in pursuance of the recommendation of Congress of 2d March, a volunteer corps of cavalry from the State of Virginia, under the command of the hon. General Nelson, are now in this city, on their way to the army, under the command of General Washington: and, whereas, the removal of the enemy from this State renders the employment of this corps at present unnecessary:

*Resolved*, That it be recommended to the said corps to return.

*Resolved*, That the thanks of Congress be returned to the hon. General Nelson and the officers and gentlemen under his command, for their brave, generous and patriotic efforts in the cause of their country.

A motion was made, to add to the foregoing resolution ||as follows,|| "and that it be warmly recommended to the inhabitants of the several states to imitate, in public emergencies, the virtuous conduct of the volunteers from Virginia:" Whereupon,

The previous question was called for, and the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>		<i>Connecticut,</i>	
Mr. Bartlett,	ay	Mr. Hosmer,	ay
<i>Massachusetts bay,</i>		Sherman,	ay
Mr. S. Adams,	ay	A. Adams,	ay
Gerry,	ay	<i>New York,</i>	
Dana,	ay	Mr. Lewis,	no
Holten,	ay	Duer,	no
<i>Rhode Island,</i>		G. Morris,	no
Mr. Marchant,	ay		

<i>New Jersey,</i>			<i>North Carolina,</i>		
Mr. Witherspoon,	ay	ay	Mr. Penn,	no	} div.
<i>Maryland,</i>			Williams,	ay	
Mr. Chase,	ay	} ay	<i>South Carolina,</i>		
Forbes,	ay		Mr. Laurens,	no	} no
<i>Virginia,</i>			Drayton,	no	
Mr. R. H. Lee,	ay	} ay	Mathews,	no	
Banister,	ay		Heyward,	no	
T. Adams,			<i>Georgia.</i>		
Harvie,	ay		Mr. Telfair,	ay	ay

So it was carried in the affirmative, ||and the main question was set aside.||

*Ordered,* That the letter of 23 June last, from the council of Massachusetts Bay, so far as relates to their State's cloathing their troops, be referred to the Board of War, and that the Board take such measures and give such orders thereon as they judge proper.

*Ordered,* That the proceedings in Congress on Thursday, during the audience of the Sieur Gérard, minister plenipotentiary from his most Christian Majesty, be forthwith published, as entered on the journal.

Adjourned to 9 o'Clock on Monday.<sup>1</sup>

MONDAY, AUGUST 10, 1778

Mr. [Cornelius] Harnett, a delegate from North Carolina, attended, and took his seat in Congress.

A letter, of 3 and 4th, from General Washington, at White Plains, was read, with sundry papers enclosed:<sup>2</sup> Whereupon,

<sup>1</sup> In the *Papers of the Continental Congress*, No. 78, X, folios 103 and 107, are a letter of Samuel Gollen, dated August 6, and a proposition, dated August 4, respecting salt and minerals. Read August 8, and ordered to lie.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 199.



*Ordered*, That so much of the said letter as relates to the artillery, with Brigadier Knox's letter and observations, be referred to the Board of War:

That so much of the said letter as relates to the inlisting the draughts who are willing to enter into the service for three years, or during the war, be also referred to the Board of War; and that they be directed to prepare a resolution for that purpose, and report the same as soon as possible:

That so much of the said letter as relates to the cloathier general's department, be referred to a committee of three:

The members chosen, Mr. S[amuel] Adams, Mr. [Roger] Sherman, and Mr. [Nathaniel] Scudder.

*Resolved*, That a commander of the horse be appointed to morrow.

A letter, of this day, from Major Lee, was read:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 27 July, from General Greene, with sundry papers enclosed, was read.

A memorial from Colonel Robert Lawson, who commanded the 4 Virginia regiment, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 7, from General Washington, with a copy of a letter of the 4, to him from Colonel Laurens, at Providence, was read:<sup>1</sup>

A letter, of 3d, from General Washington to the Board of War, with sundry papers enclosed, was laid before Congress, and read:

*Ordered*, That it be returned to the Board, and that they be directed to report thereon.

A letter, of 28 July, from J. Warren, Esq. one of the navy board in the eastern department, and a letter, of 5

<sup>1</sup>The letter of Greene is in the *Papers of the Continental Congress*, No. 155, I, folio 71; that of Washington is in No. 152, VI, folio 215.

August, from Governor Johnson, of Maryland, with sundry papers enclosed, were read :

*Ordered*, That they be referred to the Marine Committee.

A letter, of 5,\* from R. H. Harrison, and a letter of 1, from General Sullivan, at Providence, were read.

A letter, of 7, from Colonel B. Flower, under arrest, was read, stating his ill state of health, and requesting a relaxation of his confinement, and accompanied with a certificate from Dr. Clarkson, confirming the account of his infirm condition;<sup>1</sup> Whereupon,

*Resolved*, That Major General Arnold be directed to permit Colonel Benjamin Flower to go abroad for the benefit of the air, at such hours as he shall think most conducive to his health, under the custody of one or more vigilant and discreet officer or officers.

A letter, of 7th, from George Partridge, Esq. to Mr. [Francis] Dana, was laid before Congress, and read :

*Ordered*, That it be referred to the Board of War.

*Ordered*, That the letters lately received by the Committee of Commerce from New Orleans, be referred to the Board of War.

A motion being made, to agree to a proposition for exchanging Governor Franklin for Governor M'Kinley :

*Ordered*, That the consideration thereof be postponed.

*Resolved*, That two members be added to the committee of arrangement, and that the Commander in Chief, with the advice and assistance of the said committee or any two or more of them, be, and he is hereby empowered to proceed in arranging the army according to the resolutions of Congress :

The members chosen, Mr. [Roger] Sherman and Mr. [John] Banister.

<sup>1</sup> Harrison's letter is in the *Papers of the Continental Congress*, No. 78, XI, folio 317; that of Sullivan, in No. 160, folio 135; and that of Flower, in No. 78, IX, folio 175.

The committee on the post office brought in a report; Whereupon,

*Resolved*, That fourteen thousand and forty-one and one-half dollars be advanced to Richard Bache, Esq<sup>r</sup> post master general, for the use of his department; the said R. Bache to be accountable.

A letter, of this day, from General Mifflin, was read:

*Ordered*, To lie on the table.

Another letter, of 7th, from General Washington, was read.<sup>1</sup>

The Committee of Commerce brought in a report; Whereupon,

*Ordered*, That the bill drawn on the Committee of Commerce by Abraham Livingston, in favour of Samuel Curson, for ten thousand dollars, dated Charleston, South Carolina, be paid.

*Ordered*, That the remainder of the report, together with the papers and accounts from Raymond Demere, deputy cloathier in Georgia, be referred to the committee on that part of General Washington's letter relative to the cloathier general's department.

The Board of War, to whom the memorial of Colonel Lawson was referred, brought in a report:

*Ordered*, That it be referred to the Board of Treasury. Adjourned to 9 o'Clock to Morrow.

TUESDAY, AUGUST 11, 1778

A DECLARATION

Whereas George Johnstone, Esq<sup>r</sup> one of the British commissioners for restoring peace in America, on the eleventh of April last, did write and send a letter to

<sup>1</sup> The letter of Mifflin is in the *Papers of the Continental Congress*, No. 161, folio 40; that of Washington, is in No. 152, VI, folio 211.

Joseph Reed, Esq. a member of Congress, containing this paragraph, viz. "The man who can be instrumental in bringing us all to act once more in harmony, and to unite together the various powers which this contest has drawn forth, will deserve more from the king and the people, from patriotism, humanity, and all the tender ties that are affected by the quarrel and reconciliation, than ever was yet bestowed on human kind." And, whereas, the said George Johnstone, Esq. on the sixteenth day of June last, wrote and sent a letter to Robert Morris, Esq. another member of Congress, containing this paragraph, viz. "I believe the men who have conducted the affairs of America incapable of being influenced by improper motives; but in all such transactions there is risk, and I think that whoever ventures should be secured, at the same time, that honor and emolument should naturally follow the fortune of those who have steered the vessel in the storm and brought her safely to port. I think Washington and the president have a right to every favor that grateful nations can bestow, if they could once more unite our interest and spare the miseries and devastations of war." Which letters were laid before Congress. And, whereas, the said Joseph Reed, Esq. hath in his place in Congress declared, that "on Sunday the 21 of June last, a few days after the evacuation of the city of Philadelphia by the British troops, he received a written message from a married lady of character, having connexion with the British army, expressing a desire to see him on business, which could not be committed to writing: that, attending the lady agreeable to her appointment in the evening, after some previous conversation respecting her particular connexions, the business and characters of the British commissioners, and particularly of Governor Johnstone (meaning the said George Johnstone, Esq.) were the

subjects of general conversation, which being more confined, the lady enlarged upon the great talents and amiable qualities of that gentleman, and added, that in several conversations with her, he (Governor Johnstone) had expressed the most favorable sentiments of him (Mr. Reed,) and that it was particularly wished to engage his (Mr. Reed's) interest to promote the objects of their commission, viz. a re-union between the two countries, if consistent with his principles and judgment; and that, in such case, it could not be deemed unbecoming or improper in government, (meaning the British,) to take a favorable notice of such conduct; and that, in this instance, he (Mr. Reed) might have £ 10,000 sterling, and any office in the colonies (meaning these United States) in his majesty's gift, (meaning in the gift of his Britannic majesty,) to which, finding an answer was expected, he (Mr. Reed) replied, "He was not worth purchasing, but such as he was, the king of Great Britain was not rich enough to do it." And, whereas, the said paragraphs, written and sent as aforesaid, by George Johnstone, Esq. and the said declaration made by Joseph Reed, Esq. call loudly upon Congress to express their sense upon them: Therefore,

*Resolved*, That the contents of the said paragraphs, and the particulars in the said declaration, in the opinion of Congress, can not but be considered as direct attempts to corrupt and bribe the Congress of the United States of America.

*Resolved*, That as Congress feel, so they ought to demonstrate, the highest and most pointed indignation against such daring and atrocious attempts to corrupt their integrity,

*Resolved*, That it is incompatible with the honor of Congress to hold any manner of correspondence or intercourse with the said George Johnstone, Esq. especially to nego-

tiate with him upon affairs in which the cause of liberty is interested.

A motion was made to add, “and, whereas, the conduct of the said George Johnstone, Esq. in the aforesaid particulars, unavoidably effects his colleagues in commission, and unfavourably impresses the mind, so that full confidence cannot be placed in them: therefore,

“*Resolved*, That Congress will not, in any degree, negotiate with the present British commissioners in America, for restoring peace:”

||On which|| the yeas and nays being required by Mr. [Samuel] Chase,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	no	no	Mr. Chase,	no	no
<i>Massachusetts Bay,</i>			Plater,	no	
Mr. Gerry,	no	no	Forbes,	no	
Dana,	no		<i>Virginia,</i>		
Lovell,	no		Mr. R. H. Lee,	ay	no
Holten,	no		T. Adams,	no	
<i>Rhode Island,</i>			Harvie,	no	
Mr. Marchant,	ay	ay	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Harnett,	no	div.
Mr. Sherman,	no	no	Williams,	ay	
A. Adams,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Laurens,	ay	ay
Mr. G. Morris,	no	*	Drayton,	ay	
<i>New Jersey,</i>			Mathews,	ay	
Mr. Witherspoon,	no	no	Heyward,	no	
Scudder,	ay		<i>Georgia,</i>		
Boudinot,	no		Mr. Telfair,	ay	ay
<i>Pennsylvania,</i>					
Mr. Roberdeau,	no	no			
James Smith, excused from voting, not being present at the debate,					

So it passed in the negative.

It was then moved and agreed to add to the foregoing resolutions, as follows:

And for the propriety of such conduct we make and publish to the world this our declaration.

Done in Congress, at Philadelphia, this 11 day of August, in the year of our Lord 1778, and in the third year of the independence of America.

A motion was then made, to re-consider the resolutions passed: and the yeas and nays being required by Mr. G[ouverneur] Morris:

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	no	no	Mr. Chase,	ay	} ay
<i>Massachusetts Bay,</i>			Plater,	ay	
Mr. Gerry,	no	} ay	Forbes,	ay	
Dana,	ay		<i>Virginia,</i>		
Lovell,	ay		Mr. R. H. Lee,	no	} no
Holten,	ay		T. Adams,	ay	
<i>Rhode Island,</i>			Harvie,	no	
Mr. Marchant,	no	no	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Harnett,	ay	} div.
Mr. Sherman,	no	} no	Williams,	no	
A. Adams,	no		<i>South Carolina,</i>		
<i>New York,</i>			Mr. Laurens,	no	} no
Mr. G. Morris,	ay	*	Drayton,	no	
<i>New Jersey,</i>			Mathews,	no	
Mr. Witherspoon,	no	} no	Heyward,	no	
Scudder,	no		<i>Georgia,</i>		
Boudinot,	no		Mr. Telfair,	no	no
<i>Pennsylvania,</i>					
Mr. Roberdeau,	ay	} ay			
J. Smith,	ay				

So it passed in the negative.

*Ordered,* That the declaration, as agreed to, be signed by the President and published.

A motion was made, that a copy of the declaration be signed by the President and sent by a flag to the commissioners of the king of Great Britain, at New York.

A motion was made, that the consideration thereof be postponed.

Resolved in the affirmative.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of the delegates of the State of Massachusetts bay, for five hundred dollars, to be paid to Francis Dana, Esq. on his application for the same; the said State to be accountable:

That a warrant issue on the treasurer in favour of Colonel Robert Lawson, late commandant of the 4th Virginia regiment, for the sum of four hundred and sixty dollars, to indemnify him for the loss of a horse killed under him at the battle of Germantown, and for the loss of his bridle and saddle:

That a warrant issue on the treasurer in favour of Dr. Isaac Forster, deputy director general of the military hospitals ||in the eastern department,|| for one hundred thousand dollars, for the use of his department, and for which he is to be accountable; and that the same be paid to John Delamater, as requested by the doctor.

That a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the Board of War and Ordnance, on the application of the said Board, for 30,000 dollars, to enable Colonel Henry Hollingsworth, whom they employed in purchasing provisions to discharge some contracts he is engaged in; which is to be charged to the Board of War.

That William Rush, Robert Roberts, Jun., Stephen Collins, Robert Bass, and John Lingrington [William Marshall, Emmery Bedford, Samuel Lucena] be nominated signers of the Continental Bills of Credit.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 441. The names in brackets were added in Congress.



WEDNESDAY, AUGUST 12, 1778

Congress resumed the consideration of the motion respecting the declaration; Whereupon,

*Resolved*, That a copy of the declaration passed yesterday be signed by Mr. President, and sent by a flag to the commissioners of the king of Great Britain at New York.

A letter, of 8, from Brigadier Maxwell, and a letter of the 7th, from Adam Ferguson, enclosing a remonstrance on the subject of the detention of the troops lately serving under Lieutenant General Burgoyne, with a requisition for their immediate release:<sup>1</sup>

*Ordered*, That the same be referred to a committee of five:

The members chosen, Mr. G[ouverneur] Morris, Mr. [Samuel] Chase, Mr. [William Henry] Drayton, Mr. S[amuel] Adams, and Mr. [John] Witherspoon.

A petition from Henry Baron Essich, was read:

*Ordered*, That it be referred to a committee of three, and that the committee be empowered and directed to enquire into the facts therein set forth, and to grant such relief as they may think expedient; and farther, that the said committee be directed to enquire into the state of the legion commanded by Count Pulaski, and report thereon:

The members chosen, Mr. [John] Penn, Mr. [Henry] Marchant, and Mr. [Samuel] Chase.

A letter, of the 11, from General Mifflin, was read.<sup>2</sup>

*Ordered*, To lie on the table.

*Ordered*, That Tuesdays and Thursdays in every week be set apart for regulating the affairs of the treasury and finances; and that no other business, excepting the read-

<sup>1</sup> Maxwell's letter is in the *Papers of the Continental Congress*, No. 57, folio 329; that of Ferguson is on folio 321; and the Remonstrance is on folio 325.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 161, folio 44.

ing and disposing of public letters, be taken up on those days without the unanimous consent of the house, until the business aforesaid is gone through and finished.

A motion was made that Congress meet twice a day:

Question put, passed in the negative.

A letter, of the 11, from General Nelson, was read:

*Ordered*, That the vote of thanks to General Nelson, and the officers and gentlemen of the corps of volunteers under his command, together with the foregoing letter, be published.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pennsylvania, for forty thousand dollars, in favour of Major Lee, for the use of the corps of light dragoons under his command; for which sum he is to be accountable:<sup>1</sup>

That, on the application of the Board of War and Ordnance, a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay master to the said Board, for ten thousand dollars, to be by him transmitted to Colonel David Kennedy, of Winchester, in Virginia, to complete the barracks ordered to be built in the said place; the said David Kennedy to be accountable.<sup>2</sup>

A report from the Board of War was laid before Congress and read; Whereupon,

*Resolved*, That every officer in the army of the United States, whose duty requires his being on horseback in time of action, be allowed a sum not exceeding five hundred dollars, as a compensation for any horse he shall have killed in battle; this resolution to have retrospect as far as the first day of May, 1777; and that the quarter mas-

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 445.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 448.

ter general be, and he is hereby, authorized to pay the value of such horses, not exceeding the said sum, to the respective sufferers, on the facts being properly authenticated.

*Resolved*, That the expences incurred by Colonel John Green, for keeping two horses during the time his wounds rendered his removal last campaign out of New Jersey necessary, be allowed him, and that the same be referred to the commissioners of claims for settlement.<sup>1</sup>

Congress proceeded to the election of an additional number of signers of continental bills of credit, and the ballots being taken, Mr. William Rush, Mr. Robert Roberts, and Mr. Gunning Bedford, were elected.

A petition from Patrick M'Mullen was read:

*Ordered*, To lie on the table.

The committee on the memorial of Lieutenant Colonel Knoblauch, brought in a report, wherein they represent that, having examined his several commissions and recommendations, it appears that Colonel de Knoblauch is an experienced officer, and hath served in the several countries mentioned in his memorial; that the subjects in the memorial being various, ought to be referred to the boards to whom they may more particularly belong; Whereupon,

*Resolved*, That so much of the said memorial as relates to contracts for frigates, be referred to the Marine Committee:

That so much as relates to arms, linen, cloth, &c. be referred to the Board of War:

That the propriety of employing Colonel Knoblauch be referred to the Board of War, to report thereon upon such information as they may now or hereafter receive:

That, in the interim, Colonel Knoblauch be permitted to repair, as a volunteer, to the American camp, ~~and~~

<sup>1</sup> This report was based upon a report of the Board dated December 20, 1777, in the *Papers of the Continental Congress*, No. 147, II, folio 169.

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~~directed to submit to the consideration of the General, such improvements and information in discipline and the art of war as he may be possessed of, and that he be allowed the sum of 125 dollars per month.~~<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

THURSDAY, AUGUST 13, 1778

*Resolved*, That no passes be granted to any person or persons to go into New York, but by Congress or the Commander in Chief; and that General Arnold be directed to recall any pass or passes he may have given to any persons going to New York from the city of Philadelphia, who have not yet gone under such passes.

The committee to whom was referred the report from the Treasury of the 15 April last, brought in a report, which was read.

The Committee to whom was referred the Report from the Treasury of the fifteenth of April last beg leave to report:

That it appears necessary to organize the several Treasury Departments immediately, for the following Reasons:

1st. Because the Adjustment of the Finances of the United States, now much deranged, cannot be made without arranging that Office, which will in all Instances more or less affect them.

2dly. Because until this be done, it will be impracticable to call the several States to account, and even Individuals, much less to have those frequent Accounts, which can alone check Fraud and regulate the Expences of a Community.

3dly. Because the Attention which Congress are under the Necessity of paying to the particular Disbursements of the public Money, together with the Variety of other Business, which as well as this ought to be transacted elsewhere, prevent them from applying to the greater Affairs of the Continent. And,

<sup>1</sup> This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, III, folio 367.

4thly. Because the Arrangement of every Department should have an ultimate Reference to the Manner of doing Business at the Treasury, and therefore until that be fixed, the other cannot be adjusted.

That it appears to your Committee the following Particulars should be attended to in the Business referred to them:

1st. That no more Persons should be appointed than are necessary: Since Numbers increase the Expence, delay Business, and give greater Room for Corruption and for the Concealment of Frauds, Indolence or Inattention.

2dly. That there be proper Checks devised to prevent as much as possible those who are intrusted with the public Monies from converting it to their own Use. And those who are to examine the public Accounts from Collusion with the Creditors of the public, or with its Debtors.

3dly. That Congress may be enabled to see with Precision the Manner of Expenditures, and the Amount. And know the state of the public Debts, and the Produce of the public Revenue.

Under these Ideas your Committee submit to the Consideration of Congress the following Arrangement, viz:

That for conducting the Affairs of the Treasury there be three [principal]<sup>1</sup> Officers, a Comptroller, a Treasurer, and an Auditor; That each of them be allowed the sum of                      Dollars per Annum, and the sum of                      Dollars per Annum for the Expence of an Office and Clerk.

That it shall be the Duty of the Comptroller to keep the Seal of the Treasury. That he shall receive the Accounts transmitted to him by the Auditor with the Vouchers, which he shall examine, and thereon shall determine to whom the several Sums audited are payable, and whether the same are payable by the United States;<sup>2</sup> in which case he shall draw a Bill on the Treasurer in the following form annexed, and marked A., to which he shall affix the Treasury Seal: and if the same are not payable by the United States, then he shall redeliver the Vouchers thereof to the Auditor and mark them "not passed." That he shall keep regular Books containing the Accounts by him passed, in which Books a separate Account shall be opened between the United States and each Individual or State, and shall transmit monthly Accounts to Congress of the Monies by him drawn for and in whose

<sup>1</sup>Inserted by Laurens.

<sup>2</sup>In the margin Laurens has written "Proposed amendment."

favor. That he shall affix the Treasury Seal to all Loan Office Certificates, and shall deliver them to the Treasurer, whose Receipt for the same he shall file; and shall transmit monthly Accounts thereof to Congress specifying therein the Dates and Amount of such Certificates. That he shall receive from the Treasurer Receipts for the Monies by him received and shall thereon give a Discharge in the Form annexed and marked B., which he shall sign and affix thereto the Treasury Seal, and transmit the same to the Auditor to be indorsed, rendering a monthly Account as aforesaid. That he shall receive of the several Loan Officers monthly the Certificates which shall not have been by them employed, and shall give thereof a Receipt in the Form annexed and marked C., which he shall sign and transmit to the Auditor, to be indorsed, rendering monthly Account as aforesaid. That where a Resolution of Congress shall direct the Payment or Application of Monies he shall from Time to Time draw Bills on the Treasurer agreeable to such Resolutions in the Form annexed and marked D., which he shall sign and thereto affix the Treasury Seal, and transmit the same to the Auditor to be indorsed, rendering monthly Accounts thereof as aforesaid. That he shall keep a Book for the Entry and Record of Loans made to the United States by Persons who shall choose to put Money in [a Fund to be called the Confederal]<sup>1</sup> Fund; and, upon receiving the Treasurer's Receipt therefor, shall make Entry thereof in the Form annexed and marked E.; a copy of which Entry under the Seal of the Treasury shall be given to the Party, and when he shall receive a Power of Attorney from the Person in whose Name the Entry is made, in the Form annexed and marked F., duly authenticated by a Writing in the Form annexed and marked G., which Authentication shall be under the Hand and Seal of such public Ministers or Officers as Congress shall from Time to Time direct, he shall file such Power of Attorney and authentication. And whensoever and as often as the Attorney therein named shall by Indorsement in the Form annexed and marked H., transfer all or any part of the Stock of his Principal, he shall make an Entry thereof in the Form annexed and marked I., opposite to the Entry above mentioned and marked E.; and also an Entry in the Form annexed and marked K. And he shall make regular Entries of the Interest arising on such sums as aforesaid on the Debit Side of the said Accounts or Entries, and whenever and as often as any Interest shall be paid thereon, he shall make Entry on

<sup>1</sup> Inserted by Laurens.

the Credit Side of the same Accounts; of all which Sums so lent and being due, together with the Interest payable and paid, he shall monthly render an Account to Congress.

That where an Account shall be transmitted to him from the Auditor on which Monies shall be due to the United States, he shall hear the Party, if he chuse to be heard thereon, and shall then fix the Day of Payment and shall thereof notify the Auditor and Treasurer in the Form annexed and marked R.

That it shall be the Duty of the Treasurer to keep the Monies and Loan Office Certificates of the United States. That he shall issue the Monies upon Bills for that Purpose to be drawn by the Comptroller under the Treasury Seal, and shall file Duplicates of the Receipts for such Monies with the Auditor, and render Accounts thereof to Congress monthly. That upon Receipt of Monies paid into the Treasury, he shall give his Receipt therefor in the Form annexed and marked L., of which he shall also render Accounts monthly to Congress. That he shall monthly issue Loan Office Certificates to the several Loan Officers, and take Receipts for the same in the Form annexed and marked M., to which shall be annexed Schedules containing Lists of the Certificates issued, and which Receipts he shall transmit to the Auditor to be by him entered and indorsed, and shall transmit Accounts thereof to Congress monthly. That he shall also receive such Monies as shall be put into the [Confederal]<sup>1</sup> Loan aforesaid, and give a Receipt in the Form annexed and marked N., of which he shall also render monthly Accounts to Congress.

That it shall be the Duty of the Auditor to audit all Accounts brought against the United States, and also to call all Persons to account who may be indebted to the said States; that for these Purposes there be two chambers of Accounts, the one to be called the Chamber of Claims, and the other the Chamber of Debts, each to be composed of three Persons, who shall each of them have a Salary of        Dollars per Annum.

That the Chamber of Claims shall digest and state all Accounts brought against the United States, examine the Vouchers, &c., as the Auditor shall direct and shall take Care that Articles furnished and Services done be not overrated, or if so, then to reduce them, after which they shall transmit the same to the Auditor with the Vouchers, marking the said Accounts *examined*. Thereupon the Auditor shall again examine the Accounts and compare them with the Vouchers and reduce any Demands

<sup>1</sup> Inserted by Laurens.

which may be exorbitant, and having caused them to be entered in his Books, mark them in the Form annexed and marked O., and transmit them [with the Vouchers]<sup>1</sup> to the Comptroller. That the Chamber of Debts shall digest and state all Accounts of Persons who are, or are supposed to be indebted to the United States, and also all those who may be called to Account in Manner hereafter mentioned; that they shall conduct their Business in like Manner as the Chamber of Claims, and the Auditor shall in like Manner as before examine and enter the Accounts; and where Monies are due to the United States shall mark the Accounts in the Form annexed and marked P., and transmit the same to the Comptroller to be filed, and render monthly Accounts to Congress. That when an Account shall be returned to the Auditor of Articles not passed, he do deliver the same with the Vouchers to the Party, and make Entry thereof and render Account as aforesaid. And where Discharges shall be transmitted to him of Persons who have paid Money into the Treasury, he shall enter the same in his Books and endorse them thus "Entered of Record in my Office, the Day of 177 . T. U. Auditor." And where Receipts of Loan Office Certificates shall be transmitted to him, he shall enter the same in his Books, and indorse them thus "Entered to the Credit of A. B., Loan Officer within mentioned, the Day of 177 in my Office. T. U. Auditor." And where the Comptroller shall transmit to him Drafts on the Treasurer according to Resolutions of Congress, he shall enter them in his Books and indorse them thus: "Entered to the Debit of in my office T. U. Auditor." That where any Person hath received public Monies which remain unaccounted for, or shall be otherwise indebted to the United States, or have an unsettled Account with them he shall issue a Summons in the Form annexed and marked S., in which a reasonable Time shall be given for the Appearance of the Party according to the Distance of his Place of Residence from the Treasury; and in case he shall not appear, then on Proof of the Service in due Time, or of other sufficient Notice of the Summons, a Requisition shall issue under the Treasury Seal, but shall be made out in the Auditor's Office in the Form annexed and marked T., which shall be directed to the executive Power of the State or States, in which the Party shall reside or be.

That it be recommended to the several States to enact Laws for the taking of such Persons, and also to seize the Property of Persons, who being indebted to the United States shall neglect or refuse to pay the

<sup>1</sup> Inserted by Laurens.



same. Notice whereof shall be given by the Auditor to the Executive Authority of the respective States in the Form annexed and marked V., the which Notice shall be under the Treasury Seal.

That the several Officers of the Treasury above mentioned do, before they take upon them their said Offices, take an oath faithfully and honestly to execute the same.

That the Loan Office Certificates be dated on the tenth Day of every Month respectively, and that Monies be received in the Loan Offices until the twentieth day of every Month and no longer.

That on the three last Days of every Month the Auditor and Treasurer and the Comptrollers do no other Business than to prepare their monthly Accounts for Congress.

That a Committee be appointed to prepare proper Books and other Blanks for the Use of the Treasury.

[FORMS.]

A. [L. s.] To the Treasurer of the United States, Greeting: You are hereby required to pay to *A. B.* the sum of        for Account passed this        Day of        in the Year of our Lord        .

Whereof take Notice.

Witness

*E. F. Clerk.*

*C. D. Comptroller.*

B. [L. s.] To all whom it may concern: these Presents Witness that *A. B.* hath paid into the Treasury of the United States the Sum of        Whereof he is hereby Discharged.

Done at        this        Day of        in the Year of our Lord        .

Whereof take Notice.

Witness

*C. D. Comptroller.*

C. Received of *A. B.*        the Loan Office Certificates mentioned in the Schedule hereunto annexed, amounting in the whole to the Sum of        this        Day of        in the Year of our Lord        .

Witness

*C. D. Comptroller.*

D. [L. s.] To the Treasurer of the United States, Greeting: You are hereby required to pay to *A. B.*, or his order, the Sum of        in        of cash payable to him according to a Resolution of Congress of the        Day of        .

Given this        Day of        in the year of our Lord        .

Whereof take notice.

Witness

*E. F. Clerk.*

*C. D. Comptroller.*

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E. The United States to *A. B.* D<sup>r</sup> the      Day of      for the sum of      Dollars put in the Treasury on Loan at      pr cent, redeemable in      Years.      D. D.

F. I, *A. B.*, Do empower by these presents *G. H.*, as my Attorney, to transfer and dispose of at his Pleasure my Stock, (and if the same is to have an Operation on future Property therein, then add *as well in present as in future*) in the Confederal Fund of the United States of North America. Given at      the      Day of      in the Year of our Lord one thousand seven hundred and      in due Form.

*A. B.*

G. I, the underwritten, by the Congress thereunto authorized, do hereby authenticate the Power above written. Given at      the      Day of      in the Year of our Lord one thousand seven hundred and      .      I. K.

H. I, *L. M.*, the Attorney within named, do transfer the sum of      Dollars being Stock of the within named *A. B.* to *N. O.*

Witness my hand this      Day of      In the Year of our Lord

*L. M.*

I. C<sup>t</sup> By Stock transferred to *N. O.*,      Lib.      fol. as for new Entry.

K. The United States to *N. O.*, D<sup>r</sup> the      Day of      for the Sum of      Dollars transferred from Stock of *A. B.* as for old Entry.      Lib.      fol.

L. To the Comptroller of the Treasury of the United States. Discharge *A. B.* of the Sum of      paid into the Treasury of the United States, this      Day of      in the Year our Lord one thousand seven hundred and      .

Witness

*P. Q. Treasurer.*

M. Received of *P. Q.*, Treasurer of the United States, the Loan Office Certificates mentioned in the Schedule hereunto annexed, amounting in the Whole to the Sum of      , this      Day of      in the Year of our Lord      .

Witness

*R. S. Loan Officer.*

N. To the Comptroller of the Treasury of the United States: Enter to account of *A. B.* on Confederal Loan, the Sum of      , received the      Day of      in the Year of our Lord one thousand seven hundred and      .

Witness

*P. Q. Treasurer.*

O. Audited the within Account for the Sum of , this  
Day of in the Year of our Lord one thousand seven hundred and  
, by T. U. Auditor.

P. Audited the within Account for the Debt of from A. B. to  
the United States, this Day of in the Year of our Lord ,  
by T. U. Auditor.

R. Day is given unto A. B., who hath been found to be indebted to  
the United States in the Sum of , until the Day of  
next: whereof take notice, this Day of in the Year .  
Witness C. D. Comptroller.

S. To A. B., Greeting: You are required, on or before the  
Day of next, to appear and adjust your Accounts with the United  
States, on Pain of what may follow.  
Given at the Day of in the Year .  
Witness T. U. Auditor.

T. [L. s.] To Greeting: The United States having summoned  
A. B. to appear and account, the which he hath neglected to do, it is  
their request that you cause to be taken and sent the said A. B. to be  
before them on the Day of next, in their Treasury, there  
to account, that justice may in this Behalf be done to the Public.  
Given at the Day of , in the Year of our Lord one  
thousand seven hundred and seventy  
Witness T. U. Auditor.

V. [L. s.] The United States to , Greeting: Whereof A. B.  
hath been before us in our Treasury duly found to be indebted in the  
Sum of , the which sum was decreed to be paid before the Day  
of in the Year of our Lord one thousand seven hundred and  
, these therefore are thereof to notify you, to the End that you  
according to the Powers and Authorities unto you given, may, by the  
lawful and rightful Officers of the said State of , cause to be  
made of the Estate real and personal of the said A. B. the Sum of  
aforesaid, together with the Costs and Charges, which may accrue  
thereon. And of the Proceedings had in the Premises you are desired  
to certify us in our said Treasury on the Day of next.  
Given at , the Day and Year first above written.  
Witness T. U. Auditor.<sup>1</sup>

<sup>1</sup>This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 28, folio 31.

On motion, *Resolved*, That Saturday in every week, be added to the days already set apart for regulating the business of the treasury and finances.

*Ordered*, That the report lie on the table for the perusal of the members, to be taken into consideration on Tuesday next.

*Resolved*, That Saturday next, be appointed to take into consideration the state of foreign affairs, and that Mr. S[ilas] Deane be requested to attend Congress on that day, to give them information respecting the general state of those affairs and a particular state of their funds and commercial transactions in Europe, and especially with Mons. Beaumarchais.

*Ordered*, That the Committee of Foreign Affairs lay before Congress, on Friday, all letters and other public papers which they have received from the commissioners, agents, or other persons, who have transacted business for the United States in Europe, from the original appointment of the Committee of Secret Correspondence, to this day.

Adjourned to 9 o'Clock to Morrow.

FRIDAY, AUGUST 14, 1778

A letter, of 9, from General Washington, enclosing one of the 6th, from General Sullivan was read.

A letter, of the 1 August, from Mr. [Samuel] Huntington, one of the delegates from Connecticut, at Norwich, directed to the delegates of that State in Congress, was laid before Congress, and read, setting forth sundry evils and abuses in the hospitals in the eastern district: Whereupon,<sup>1</sup>

<sup>1</sup>The draft of Washington's letter is in the *Washington Papers*, A, III, 523, the letter of Sullivan is in the *Papers of the Continental Congress*, No. 152, VI, folio 251; that of Huntington, in No. 78, XI, folio 309.

*Resolved*, That the resolution of Congress of the 9 of June last, authorizing the deputy director general of the hospital in the eastern department, in the absence of the director general, to superintend the medical affairs of that department, be, and it is hereby repealed; and that the said hospital for the future be under the same regulations as the hospitals in the other departments.

*Resolved*, That the director general be directed to enquire into the state of the hospital in the eastern department, and give proper orders for the good government and economy thereof, and discharge unqualified and supernumerary officers, if any there be.

Whereas, it is of great consequence to the general weal that the enemy at New York should not be supplied with provisions, which may relieve the distress at present prevailing in their army and fleet; and for the more effectual execution of the embargo,

*Resolved*, That the vice president and supreme executive council of this State ||of Pennsylvania,|| be requested to station one of their gallies, under command of a vigilant officer, near the mouth of the Cape May channel, with orders to search all vessels that may be outward bound, either through Cape May channel or the Delaware; and if any such shall be found exporting provisions contrary to the embargo, that they be brought before government, to answer for such, their misconduct.

*Resolved*, That the governor of New Jersey be requested to take the most effectual measures to enforce the due observance of the embargo, as Congress consider it of the first importance to continue the distress prevailing in the enemy's fleet and army at New York for provisions; and because there is reason to apprehend that the coast trade with provisions may be productive of supply to the enemy, either through the vigilance of the cruisers, or by ill designing avaritious men.

A petition from John Hart, in behalf of himself and others, respecting the capture of the sloop *Peggy*, was read:<sup>1</sup>

*Ordered*, That it be referred to the Committee on Appeals.

A memorial from Thomas Towson, in behalf of himself and others, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Samuel] Chase, Mr. [Henry] Marchant, and Mr. [John] Penn.

A petition of Patrick Colvin, at Trenton Ferry, was read:<sup>3</sup> Whereupon,

*Resolved*, That the quarter master general be directed, if he has any boats or flats belonging to the public at any of the ferries on the river Delaware unemployed, to lend two of them to Patrick Colvin, to be by him employed at Trenton ferry for the accommodation of the public.

A petition from William Allison, guardian of John Blakely, in behalf of the said John Blakely, was read:

On motion, that it be committed: question put, passed in the negative.

The commissioners of claims, with the approbation of the auditor general, report,

That there is due to Thomas Edison, his pay as clerk in the secretary's office, from the 12 June to the 12 of August, 1778, inclusive, one hundred and sixty dollars, and for his expences from York town to Philadelphia, sixteen dollars, making in the whole, 176 dollars:

<sup>1</sup> This petition, dated August 12, is in the *Papers of the Continental Congress*, No. 42, III, folio 357.

<sup>2</sup> This memorial, dated August 12, is in the *Papers of the Continental Congress*, No. 41, X, folio 118.

<sup>3</sup> This petition dated July 24, is in the *Papers of the Continental Congress*, No. 42, II, folio 48.

That there is due to the Rev. Mr. Lotbinier, as chaplain, his pay and subsistence from 11 of July to 10 August, 1778, both days included, sixty dollars:

That there is due to Colonel John Greene for the expence of keeping two horses in the fall of 1776, when he was wounded in the State of New York, and which were necessary to carry him to his place of residence in Virginia, the sum of 200 dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Mr. J[ohn] Penn, one of the delegates of the State of North Carolina, for two thousand dollars advanced upon his application; the said State of North Carolina to be accountable.

That the following persons be nominated as signers of the Continental Bills of Credit, in addition to those already appointed: John Shee, Francis Lewis, junior.<sup>2</sup>

Congress proceeded to the election of an additional number of signers of the continental bills of credit, and the ballots being taken, the following gentlemen were elected: John Shee, Francis Lewis, Jun. William Marshall, Joseph Wilson, James Royson, James Little, James Rowan, and Isaac All.

The Board of War, to whom the memorial of the hon. the Sieur Gérard, relative to Mr. William Straker's case, was referred, having made report thereon, and the same being read,

AT A BOARD OF WAR, *August 13, 1778.*

Present, Mr. Peters and Mr. Pickering.

The Board having taken into consideration the memorial of the hon<sup>ble</sup> the Sieur Gérard, relative to Mr. William Straker's case, and

<sup>1</sup>This report is in the *Papers of the Continental Congress*. No. 136, II, folio 447.

<sup>2</sup>This report, dated August 13, is in the *Papers of the Continental Congress*, No. 136, II, folio 449.

made inquiry into the same, beg leave to refer Congress to the inclosed state of facts signed by Mr. Straker; and to add that they have seen the article of co-partnership referred to by him between Mr. Straker and his brother in law, Mr. James Budden; that they find by Mr. Budden's information and letters, that Mr. Straker sailed for Barbadoes before the commencement of hostilities in April, 1775, and merely on the business of their co-partnership. That Mr. Straker during his absence did not draw his money on effects from hence, but on the contrary, transmitted a number of bills to his partner; and that the company have a large sum in the loan office of the United States. That Captain William Budden declares that he, during the enemy's possession of Philadelphia, wrote to Mr. Straker informing him that if he came to Philadelphia, he could easily pass from thence into the country—this also is certified jointly by him and his sister, Mrs. Wilson. That since Mr. Straker's return to Pennsylvania, he has taken the oath of allegiance and fidelity to the State.

From this view of his case, the Board submit to Congress the following opinion:

That Mr. Straker, lately taken on board the ship *Lord Howe*, by the fleet of his most Christian Majesty, is, and ought to be considered as a subject of the State of Pennsylvania; and that the hon<sup>ble</sup> the Sieur Gérard, Minister of his Most Christian Majesty, be desired to release the said Mr. Straker, and cause his property to be restored to him.

*Ordered*, that the said report and papers referred to, relative to Mr. Straker, be referred to the government of the State of Pennsylvania, to determine whether they will consider Mr. William Straker, lately made prisoner by the Count d'Estaing's squadron, as a citizen of the State of Pennsylvania; and if the said government shall determine to consider and receive the said Mr. William Straker as a citizen of their State, that they be desired to transmit a certificate of their determination to the Sieur Gérard, minister plenipotentiary of his most Christian Majesty.

The committee to whom were referred the papers relative to Cornelius Sweers and Colonel B. Flower, brought in a report, which was read: after debate,

*Ordered*, That it be re-committed.



*Ordered*, That three members be added to the committee :

The members chosen, Mr. [Henry] Marchant, Mr. [John] Harvie, and Mr. T[homas] Adams.

The Committee on Foreign Affairs laid before Congress sundry letters and papers which they have received from the commissioners, agents and other persons who have transacted public business in Europe.

The Committee of Congress, in conjunction with the Committee appointed by the Supreme Executive Council of the State of Pennsylvania, to ascertain the property of the goods, wares, and merchandize, in possession of the inhabitants of the city of Philadelphia, at the time it was evacuated by the enemy, viz: so far as to determine whether any, or what part thereof, may belong to the King of Great Britain, or to any of his subjects. Beg leave to report, That they find Captain Stephen Backhouse, of Liverpoole, in the Kingdom of Great Britain, came to the city of Philadelphia in December last, with a cargo of Liverpoole salt, a part of which he deposited in a store, belonging to Joseph Prichard, on the lower side of Chestnut street wharf.

That on the twenty third day of the same month the said Stephen Backhouse, in behalf of himself, and one Nicholas Asheton, of Liverpoole aforesaid, did consign the said salt to Messrs. Amos Foulke, an inhabitant of this city, and one William Backhouse, who came to this city from New York, last fall or winter, either with the enemy or some little time after. The form of the consignment is as follows, viz:

Messrs. BACKHOUSE AND FOULKE.

GENTLEMEN, The salt in Mr. Prichards and Mr. Barges stores, belonging to me and Mr. Asheton, of Liverpoole, is 4285 bushels, which I consign to you for sales, and shall be glad you will dispose of it as soon as you can, but do not wish to have it sold for less than one dollar per bushel, but hope it will sell for more; and as you sell the salt, you will please to remit, in good bills, to Nicholas Asheton, Esq<sup>r</sup>., of Liverpoole.

I am Gentlemen, your humble servant

STEPHEN BACKHOUSE.

That the Keys of the store were, at the time of the consignment, delivered by the said Stephen Backhouse to the said Amos Foulke and Wm. Backhouse. That soon after the said Stephen Backhouse went

to New York, that the said Amos Foulke, paid rent for the store during several months. That the said Amos Foulke, one of the consignees of said salt, and Alexander Wilcocks, an inhabitant of this city, do both of them alledge and declare, that after several conversations had by, and between the said Alexander Wilcocks, and the said Amos Foulke, about the purchase of said salt, the said Alexander Wilcocks for himself, and John Wilcocks and William M<sup>c</sup>Murtrie, on the seventeenth day of June last, being the day before the enemy evacuated the city, did purchase 3,500 bushels of Liverpoole salt, then laying in the said Prichards store, at 7s. 6d., Pennsylvania currency, per bushel, which quantity of salt was supposed to be all the salt then remaining in the said Prichards store, of the said salt, imported from Liverpoole as aforesaid, and deposited there.

That a bill of Parcels for the same salt was, on the same day, made and given by the said Amos Foulke to the said Alexander Wilcocks, &c. And the said Amos Foulke further alledges that he made an entry of the sale on the same day in his books. And the said Amos Foulke and Alexander Wilcocks, both alledge that the Key of the said store was delivered to the said Alexander Wilcocks on the same day, by the said Amos Foulke, and they both agree that no part of the purchase money hath yet been paid.

But whether under the aforerecited circumstances, the said salt ought now to be considered as the property of British subjects, the said Committee beg leave to submit to Congress.

Your Committee also beg leave further to sit upon the business committed to them.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

SATURDAY, AUGUST 15, 1778

A motion was made to resolve,

That the members of this house keep secret from all but the members of this house, under like obligation of secrecy, such information as may be derived from an

<sup>1</sup>From *Pennsylvania Archives*, VI, 703. It is endorsed: 1778, August 14th, Copy report of the Committee of Congress, and the Committee of the Supreme Executive Council, respecting property and papers, respecting Messrs. Wilcocks' salt.

inspection of the papers of the Committee of Secret Correspondence, or from hearing the same read: after debate,

The previous question was moved, and the yeas and nays required by Mr. [William] Duer,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	ay	ay	Mr. Chase,	ay	} ay
<i>Massachusetts Bay,</i>			Plater,	ay	
Mr. S. Adams,	no		Forbes,	ay	
Gerry,	ay	} ay	<i>Virginia,</i>		
Lovell,	ay		Mr. R. H. Lee,	no	} div.
Holten,	ay		Banister,	ay	
<i>Rhode Island,</i>			T. Adams,	ay	
Mr. Marchant,	ay	ay	Harvie,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Sherman,	ay	} ay	Mr. Penn,	ay	} ay
Hosmer,	ay		Harnett,	ay	
A. Adams,	ay		Williams,	ay	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Lewis,	ay	} ay	Mr. Laurens,	ay	} ay
Duer,	ay		Drayton,	ay	
G. Morris,	ay		Mathews,	ay	
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Witherspoon,	no	} no	Mr. Telfair,	ay	} ay
Scudder,	no		Langworthy,	ay	
<i>Pennsylvania,</i>					
Mr. B. Morris,	ay	} ay			
Reed,	ay				
J. Smith,	no				

So it was carried in the affirmative, and the original motion set aside.

A motion was then made to resolve,

That no matter contained in the letters laid before Congress by the Committee of Foreign Affairs, be communicated to any persons out of Congress without permission of the house: after debate,

The previous question was moved, and the yeas and nays required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	no	{ no	Mr. Chase,	ay	{
<i>Massachusetts Bay,</i>			Plater,	ay	ay
Mr. S. Adams,	no	{	Forbes,	ay	}
Gerry,	no	{ no	<i>Virginia,</i>		
Lovell,	no	{	Mr. R. H. Lee,	no	{
Holten,	no	}	Banister,	ay	div.
<i>Rhode Island,</i>			T. Adams,	ay	}
Mr. Marchant,	no	{ no	Harvie,	no	}
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Sherman,	no	{	Mr. Penn,	no	{
Hosmer,	no	{ no	Harnett,	ay	ay
A. Adams,	no	}	Williams,	ay	}
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Lewis,	ay	{ ay	Mr. Laurens,	excused.	{
Duer,	ay	}	Drayton,	ay	ay
<i>New Jersey,</i>			Mathews,	ay	}
Mr. Witherspoon,	no	{ no	Heyward,	ay	}
Scudder,	no	}	<i>Georgia,</i>		
<i>Pennsylvania,</i>			Mr. Telfair,	ay	{ ay
Mr. R. Morris,	ay	{	Langworthy,	ay	}
Reed,	ay	{ ay			
J. Smith,	no	}			

So it was carried in the affirmative, and the original motion set aside.

Mr. [Thomas] M'Kean, ||a delegate from Delaware,|| attended, and resumed his seat in Congress.

A motion was then made, "That the contents of the letters laid upon the table by the Committee of Foreign Affairs, be kept secret till the enquiry into the state of our foreign affairs, and the conduct of our commissioners be finished:"

To which an amendment was moved, to add, "excepting such parts thereof, as having been already communicated to the house without an injunction of secrecy, or having been read by private members or others, may have been divulged."

Question being put, and the yeas and nays being required by Mr. [William Henry] Drayton,

<i>New Hampshire,</i>			<i>Delaware,</i>		
Mr. Bartlett,	no	no	Mr. M'Kean,	no	no
<i>Massachusetts Bay,</i>			<i>Maryland,</i>		
Mr. S. Adams,	no	no	Mr. Chase,	no	ay
Gerry,	no		Plater,	ay	
Lovell,	no		Forbes,	ay	
Holten,	no		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. R. H. Lee,	no	no
Mr. Marchant,	no	no	Banister,	no	
<i>Connecticut,</i>			T. Adams,	no	
Mr. Sherman,	no	no	<i>North Carolina,</i>		
Hosmer,	no		Mr. Penn,	no	no
A. Adams,	no		Harnett,	no	
<i>New York,</i>			Williams,	ay	
Mr. Lewis,	ay	ay	<i>South Carolina,</i>		
Duer,	ay		Mr. Laurens,	no	no
G. Morris,	ay		Drayton,	ay	
<i>New Jersey,</i>			Mathews,	no	
Mr. Witherspoon,	no	no	<i>Georgia,</i>		
Scudder,	no		Mr. Telfair,	no	div.
<i>Pennsylvania,</i>			Langworthy,	ay	
Mr. R. Morris,	no	ay			
Reed,	ay				
J. Smith,	ay				

So it passed in the negative.

The question was then put on the original motion; and the yeas and nays being required by Mr. [Samuel] Chase,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Bartlett,	ay	ay	Mr. Sherman,	ay	ay
<i>Massachusetts Bay,</i>			Hosmer,	ay	
Mr. S. Adams,	ay	ay	A. Adams,	ay	
Gerry,	ay		<i>New York,</i>		
Lovell,	no		Mr. Lewis,	no	no
Holten,	ay		Duer,	no	
<i>Rhode Island,</i>			G. Morris,	no	
Mr. Marchant,	ay	ay			

<i>New Jersey,</i>			<i>North Carolina,</i>		
Mr. Witherspoon,	ay	} ay	Mr. Penn,	ay	} no
Scudder,	ay		Harnett,	no	
<i>Pennsylvania,</i>			Williams,	no	
Mr. R. Morris,	no	} no	<i>South Carolina,</i>		
Reed,	no		Mr. Laurens,	ay	} no
J. Smith,	no		Drayton,	no	
<i>Delaware,</i>			Mathews,	no	
Mr. M'Kean,	ay	} ay	Heyward,	no	
<i>Maryland,</i>			<i>Georgia,</i>		
Mr. Chase,	no	} no	Mr Telfair,	no	} no
Plater,	no		Langworthy,	no	
Forbes,	no				
<i>Virginia,</i>					
Mr. R. H. Lee,	no	} ay			
Banister,	ay				
T. Adams,	ay				
Harvie,	ay				

So it was resolved in the affirmative.

A letter, of this day, from Major General Arnold, was read,<sup>1</sup> which letter was accompanied with the proceedings and sentence of a general court martial on Frederick Verner, charged with acting as a spy and guide to the British Army; and sets forth, "that as the evidences do not appear sufficiently full and clear to touch the life of a citizen, he has suspended the sentence until the pleasure of Congress is known." The letter also was accompanied with the proceedings of a general court martial with their sentences against Adjutant Wallace, Patrick M'Mullen, and Henry Love, with sundry certificates, &c. relative to the matter; and sets forth, that "as the evidence against the two former is in his (General Arnold's) opinion, insufficient to touch their lives, and as there are several circumstances in favour of the latter, he begs leave to

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 162, folio 142.

recommend them to Congress as proper objects of mercy ;”  
Whereupon,

*Ordered*, That so much of the said letter as relates to Frederick Verner, together with the proceedings and sentence of the general court martial on him, and the papers relative to the matter, be referred to the supreme executive council of Pennsylvania, and that they be requested to report their opinion thereon to Congress.

That so much of the said letter as relates to Adjutant Wallace, Patrick M’Mullen, and Henry Love, with the proceedings and sentence of the court martial on them, and the certificates, &c. relative to the matter, be referred to a committee of three :

The members chosen, Mr. [Henry] Marchant, Mr. James Smith, and Mr. [John] Harvie.

In consequence of an adjustment by the commissioners of claims, the assistant auditor general reports,

That there is due, to Bryan Lefferty, for his subsistence as a prisoner (agreeable to the articles of capitulation with Major General Schuyler, the 18 January, 1776,) from the 2 August, 1777, to the 29 July, 1778, both days inclusive, is 51 weeks and four days, at 28 shillings per week, the sum allowed by Congress, 192 40/90 dollars :<sup>1</sup>

*Ordered*, That the said account be paid.

The Committee on the Treasury brought in a report ;  
Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pennsylvania, in favour of the Committee of Commerce, for ten thousand six hundred and forty six and sixty ninetieths dollars, to enable them to pay Samuel and Isaac Penrose, on account of a balance due to them by the Secret

<sup>1</sup> This report, dated August 13, is in the *Papers of the Continental Congress*, No. 136, II, folio 463. The report also contained the paragraph on Cist, passed August 17, *post*.

Committee for freight of a cargo by the ship *Sally*, delivered at Cadiz, and for demurrage of the said ship; the Committee of Commerce to be accountable.

*Ordered*, That the farther consideration of the report be postponed.<sup>1</sup>

*Ordered*, That Mr. Deane be introduced, and that a seat be prepared for him at the end of the lower table, on the President's right hand.

Mr. Deane was accordingly introduced, and delivered two letters, one from Dr. Franklin, dated Passy, March 31, 1778, and one from Mons. de Beaumarchais, dated Paris, 24 March, 1778; which were read.

Mr. Deane was then proceeding to give the information required;

A motion was made, that the information be given in writing:

*Ordered*, That Mr. Deane withdraw.

Accordingly he withdrew.

A motion was then made, that the narrative Mr. Deane shall give to this house, of his transactions in France, be in writing.

After debate the previous question was moved, and the yeas and nays required by Mr. S[amuel] Adams,

<i>New Hampshire,</i>			<i>Connecticut,</i>		
Mr. Bartlett,	ay	ay	Mr. Sherman,	ay	} ay
<i>Massachusetts Bay,</i>			Hosmer,	ay	
Mr. S. Adams,	no	} no	A. Adams,	no	
Gerry,	no		<i>New York,</i>		
Lovell,	ay		Mr. Lewis,	no	} no
Holten,	no		Duer,	no	
<i>Rhode Island,</i>			G. Morris,	ay	
Mr. Marchant,	no	no	<i>New Jersey,</i>		
			Mr. Witherspoon,	ay	} ay
			Scudder,	ay	

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 186, II, folio 451. The postponed paragraphs were passed August 17, *post*.



<i>Pennsylvania,</i>			<i>North Carolina,</i>			
Mr. R. Morris,	no	} no	Mr. Penn,	no	} ay	
Reed,	ay		Harnett,	ay		
James Smith,	no		Williams,	ay		
<i>Delaware,</i>			<i>South Carolina,</i>			
Mr. M'Kean,	ay	} ay	Mr. Laurens,	no	} no	
<i>Maryland,</i>			Drayton,	no		
Mr. Chase,	ay		Heyward,	ay		
Plater,	no	} no	<i>Georgia,</i>			
Forbes,	no		Mr. Telfair,	no	} no	
<i>Virginia,</i>			Langworthy,	no		
Mr. Banister,	no	} no				
T. Adams,	no					
Harvie,	no					

So it passed in the negative; Whereupon,

The question was put, on the original motion, and the yeas and nays being required by Mr. [Samuel] Chase,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	no	} no	Mr. R. Morris,	no	} no
<i>Massachusetts Bay,</i>			Reed,	no	
Mr. S. Adams,	ay	} ay	James Smith,	no	
Gerry,	ay		<i>Delaware,</i>		
Holten,	ay		Mr. M'Kean,	no	} no
Lovell,	ay		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Chase,	no	} no
Mr. Marchant,	ay	} ay	Plater,	no	
<i>Connecticut,</i>			Forbes,	no	
Mr. Sherman,	ay	} ay	<i>Virginia,</i>		} no
Hosmer,	ay		Mr. Banister,	no	
A. Adams,	ay		T. Adams,	no	
<i>New York,</i>			Harvie,	no	
Mr. Lewis,	ay	} no	<i>North Carolina,</i>		} no
Duer,	no		Mr. Penn,	no	
G. Morris,	no		Harnett,	no	
<i>New Jersey,</i>			Williams,	no	
Mr. Witherspoon,	ay	} ay			
Scudder,	ay				

<i>South Carolina,</i>			<i>Georgia,</i>	
Mr. Laurens,	ay	} no	Mr. Telfair,	no
Drayton,	no		Langworthy,	no
Heyward,	no			

So it passed in the negative.

*Resolved*, That Mr. Deane be called in, and informed that Congress desire his attendance again on Monday morning, at ten o'clock, to give, from his memory, a general account of his whole transactions in France, from the time of his first arrival, as well as a particular state of the funds of Congress, and the commercial transactions in Europe, especially with Mr. Beaumarchais, and to answer such questions as may be asked.

Mr. Deane being called in, and informed of the desire of Congress, withdrew.

A letter, of 13, from General Washington, at White Plains, and one, of the 10, from General Sullivan, at Portsmouth, Rhode Island, were read.

A letter, of 12, from W. Palfrey, Esq. at White Plains, was read:<sup>1</sup>

*Ordered*, That it be referred to the Board of War.

Adjourned to 10 o'Clock on Monday.

#### MONDAY, AUGUST 17, 1778

Applications from Mrs. Wilson, Fanny Raden, and Maria Barrell, for leave to go to New York, were laid before Congress and read:<sup>2</sup>

*Ordered*, To lie on the table.

<sup>1</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI folio 247; that of Sullivan is in No. 160, folio 189; that of Palfrey is in No. 165, folio 486.

<sup>2</sup> The application of Mrs. Wilson, is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 541; that of Mrs. Raden, in XIX, folio 285; and that of Mrs. Barrell, in III, folio 107.

Mr. Deane attending according to order, was introduced, and proceeded to give the information required, and, having made some progress therein, he had leave to withdraw, and accordingly withdrew.

*Ordered*, That Mr. Deane attend on Wednesday morning, at ten o'clock, to proceed in his information.

A letter, of 11 August, from General Washington, enclosing one, of the same date, to him from William Palfrey, Esq. pay master general; and one from the said W. Palfrey of the same date, were read:<sup>1</sup>

*Ordered*, That the letters from W. Palfrey be referred to the Board of Treasury.

A letter, of this day, from Major General Mifflin, was read, enclosing his commission, which, for reasons set forth in the said letter, he begs leave to resign:<sup>2</sup>

*Ordered*, That the said letter, together with his letters of the 10 and 11, be referred to a Committee of three:

The members chosen, Mr. G[ouverneur] Morris, ~~Mr. [Richard Henry Lee]~~, Mr. [Joseph] Reed, and Mr. [John] Witherspoon.

The committee to whom was referred the Memorial of Thomas Towson on behalf of himself and other inhabitants of the island of New Providence, report:

“That having made enquiry into the matter of the said memorial, they are informed and believe that the said Thomas Towson and also John and William Baldwin, John Frazer and John Outen in the said memorial named are natives of the State of Maryland, from whence they departed previous to the commencement of the present war: That James Gould, another person therein named, is a native of the State of Rhode Island, but hath resided

<sup>1</sup>The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 243.

<sup>2</sup>This letter is in the *Papers of the Continental Congress*, No. 161, folio 52; that of the 15th is on folio 48.

in the island of New Providence for many years; and that Thomas Dunscomb, John Bunch and John Hunt are not natives of either of these United States but that all the said persons are well attached to the cause and rights of America and willing and desirous to become subjects of the United States and to support their freedom and independence." Whereupon,

*Resolved*, That passports be given to Thomas Towson, John Baldwin, William Baldwin, John Frazier, John Outen, James Gould, Thomas Dunscomb, John Bunch and John Hunt, inhabitants of the island of New Providence, signed by the president and countersigned by the secretary of Congress in the following form:

To all to whom these presents shall come; We the congress of the United States of America send greeting: Know ye that we being well satisfied of the fidelity and attachment of            now an inhabitant of the island of New Providence, and being notified of his design to remove from the said island to some place within the jurisdiction and authority of the said States with intent to become subject to the same, now therefore by these presents, we do advise, request and require all captains and commanders of ships and vessels of war, whether public or private, holding commissions under us and all other persons whom it may concern, whether subjects of the said states, or either of them, or of princes their allies, to permit the said           , his family and property, safely to pass to these states unmolested, and to give them such aid and assistance as may be proper and convenient. Given at Philadelphia the            day of            In the year of our Lord one thousand seven hundred and seventy eight. In witness whereof we have caused these our letters to be signed by our president on the day and year aforesaid.<sup>1</sup>

The committee to whom was referred a letter from General Washington, of the 28 July, respecting Major General Putnam, and the report of the court of enquiry on the subject of the posts in the Highlands, on Hudson's

<sup>1</sup> This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 19, VI, folio 47.

river, taken last year, which was transmitted to Congress, report,

That, upon a careful examination of the facts stated by the court of enquiry, and consideration of the evidence taken and transmitted, it appears that those posts were lost, not from any fault, misconduct, or negligence, of the commanding officers, but solely through the want of an adequate force under their command to maintain and defend them.<sup>1</sup>

*Resolved*, That Congress agree to the said report.

In consequence of an adjustment by the commissioners of claims, the assistant auditor general reports,

That there is due to Charles Cist, for his services in attending the making of paper, by order of the Treasury Board, the sum of 418 dollars, including his expences while on that service:<sup>2</sup>

That there is due to Timothy Barrell, for polishing and planishing two copper plates for engraving, by order of the Board of Treasury, the sum of 21 30/90 dollars:

That there is due to the following persons, for boarding and funeral expences of General Du Coudray, deceased, the sum of 695 60/90 dollars, viz.

To Mary House, for board and lodging himself and family, the sum of 400 dollars, and for sundries furnished for the funeral, the sum of 137 dollars, making together the sum of 537 dollars:

To Amelia Taylor, for crape for the funeral, the sum of 74 60/90 dollars:

To Martin Jacques [Juqui's] and James Gillingham, for coffin and furniture, the sum of 80 dollars; and to the Rev. Ferdinand Farmer, for his attendance, &c. at the

<sup>1</sup>This report, in the writing of Titus Hosmer, is in the *Papers of the Continental Congress*, No. 29, folio 299.

<sup>2</sup>This paragraph formed part of the report presented August 13, and passed the 15th.

chapel, the sum of four dollars, making in the whole 695 60/90 dollars:<sup>1</sup>

*Ordered*, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pennsylvania, in favour of Isaac Melcher, Esq. barrack master general, for fifty thousand dollars, for the use of his department; for which he is to be accountable:

That a warrant issue on the treasurer for sixty-three thousand dollars, in favour of Charles Stewart, Esq. commissary general of issues, for the use of his department, and for which he is to be accountable:<sup>2</sup>

That a warrant issue on the treasurer in favour of Dr. Witherspoon, one of the delegates of the state of New Jersey, for five hundred dollars, it being advanced upon his application; the said state to be accountable:<sup>3</sup>

That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pennsylvania, in favour of the Commercial Committee, for 5,555 50/90 dollars, to enable them to pay Jonathan Williams the freight of 180 bales of merchandise, imported on public account from France; the said committee to be accountable:<sup>4</sup>

That, upon the application of the Board of War and Ordnance, a warrant issue on the treasurer in favour of Joseph Nourse, pay master to the said Board, for one hundred thousand dollars, to enable the Board to pay for

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 461.

<sup>2</sup>This report, dated August 15, is in the *Papers of the Continental Congress*, No. 136, II, folio 459.

<sup>3</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 465.

<sup>4</sup>These two paragraphs formed part of the report of the Board of Treasury presented on August 14, *ante*.

the transportation of and making up cloathing, and to continue the purchase of stockings, shoes, hats and blankets, for the army; the said Joseph Nourse to be accountable.

*Resolved*, That so much of the report of the Board of Treasury as respects the grant of money to James Mease, Esq. cloathier general, be re-committed, and that the Board report specially thereon.

*Resolved*, That all the loan office certificates struck by resolutions of Congress of the 3d day of October, 1776, 14 January and 22d day of February, 1777, and eight hundred and sixty certificates of one thousand dollars each, numbered from N. 1, to 860, of the emission ordered by Congress the 17 day of January, 1778, which have been signed by Michael Hillegas, Esq. treasurer, or Samuel Hillegas, be good and valid, notwithstanding some of the said certificates may be issued by the several commissioners of the continental loan offices, after the date of the resolution of Congress, appointing Francis Hopkinson, Esq. treasurer of loans.<sup>1</sup>

*Resolved*, That each officer in the department of the quarter master and barrack master general attending Congress, be directed, from time to time, to render to the several members accounts of the articles supplied them respectively, according to the cost thereof: That such accounts be paid to the pay master of the Board of War and Ordnance, who shall give to the respective members duplicate receipts for the money so paid, one of which to be left at the Board of Treasury.<sup>2</sup>

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup> These two paragraphs formed part of the report of the Board of Treasury presented on August 14, *ante*.

<sup>2</sup> This report, dated August 14, is in the *Papers of the Continental Congress*, No. 136, II, folio 455.

**TUESDAY, AUGUST 18, 1778**

A letter, of the 14, from Brigadier Weedon, was read, praying Congress, for reasons therein set forth, to reconsider the resolution of 19 March, for settling the rank of the Virginia brigadiers; or if Congress will please to continue him in the line till he can take an active part again with propriety, declaring that he will, whenever that is the case, be ready and willing to serve;<sup>1</sup> Whereupon Congress came to the following resolution:

Whereas disputes have arisen between Brigadiers Weedon and Woodford, relating to their rank in the armies of the United States, which were finally determined in Congress on the 19 day of March, 1778, in favour of Brigadier Woodford, by which determination Brigadier Weedon finds himself so circumstanced as not to be able to serve with the main army,

*Resolved*, That Brigadier Weedon be permitted to retire; that he hold his present rank in the said armies, and that he be called into service whenever, from a change of circumstances, the inconveniences he now labours under can be removed; provided, that during the time of his being retired, he shall not be entitled to receive either pay or rations, and provided also, that unless he shall be called into, and remain in service during the war, he shall not be entitled to half pay.

On the question for passing the foregoing resolution, the yeas and nays being required by Mr. [William] Duer,

<sup>1</sup> This letter is in the *Papers of the Continental Congress*, No. 159, folio 388.



<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	ay	ay	Mr. Roberdeau,	no	no
<i>Massachusetts bay,</i>			<i>Maryland,</i>		
Mr. S. Adams,	ay	} ay	Mr. Chase,	ay	} no
Gerry,	ay		Plater,	no	
Lovell,	ay		Forbes,	no	
Holten,	ay		<i>Virginia,</i>		
<i>Rhode Island,</i>			Mr. T. Adams,	no	} div.
Mr. Marchant,	ay	ay	Harvie,	ay	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Hosmer,	ay	} ay	Mr. Penn,	ay	} ay
A. Adams,	ay		Harnett,	no	
<i>New York,</i>			Williams,	ay	
Mr. Lewis,	ay	} ay	<i>South Carolina,</i>		
Duer,	no		Mr. Laurens,	no	} ay
G. Morris,	ay		Drayton,	ay	
<i>New Jersey,</i>			Heyward,	ay	
Mr. Elmer,	ay	} ay	<i>Georgia,</i>		
Scudder,	ay		Mr. Telfair,	ay	} ay
Boudinot,	ay		Langworthy,	ay	

|| So it was resolved in the affirmative.||

A letter, of 12, from Marquis de Bretigny, was read:<sup>1</sup>

*Ordered,* That it be referred to a committee of five:

The members chosen, Mr. [William Henry] Drayton, Mr. [William] Duer, Mr. [James] Lovell, Mr. [Henry] Marchant, and Mr. [Samuel] Chase.

A letter, of 10th, from Col. Radière, was read:

*Ordered,* To lie on the table.

A letter, of this day, from Col. Baron de Arendt, was read, representing that having been ruptured by the fall of his horse in a skirmish at Quibbleton and Rariton bridge, and afterwards hurt in the same part by a fall from the parapet occasioned by the bursting of a bomb at Mud Island, he finds himself unable to go through the

<sup>1</sup> A translation of this letter is in the *Papers of the Continental Congress*, No. 78, III, folio 67; the letter is on folio 71.

fatigue of marching and camp duty; and therefore entreating Congress to permit him, for the recovery of his health, to cross the sea; and for that purpose to grant him leave of absence for twelve months:<sup>1</sup>

*Resolved*, That his prayer be granted, and that a furlough for twelve months be granted to Baron d'Arendt, colonel in the service of the United States.

A letter, of 13, from Count Pulaski, was read:

*Ordered*, That it be referred to the committee appointed to enquire into the state of the legion under the command of Brigadier Count Pulaski.

A letter from General Washington, respecting Mr. Fearer [Führer] and Mr. Kleinsmeit [Kleinschmit], was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A letter from Thomas Dawkins, purser of the *Mermaid* ||frigate||, was read:

*Ordered*, That it be referred to the Marine Committee.

A letter, of 17, from Mons. de la Balme, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of this date from Cornelius Sweers, was read:

*Ordered*, That it be referred to the committee on the case of Colonel Flower and Cornelius Sweers.

A letter, of 16, from Colonel Knoblauch, was read.<sup>3</sup>

In consequence of recommendations from brigadiers or officers commanding brigades,

*Resolved*, That the Rev. John Gano be appointed chaplain of the brigade commanded by Brigadier James Clinton:<sup>4</sup>

<sup>1</sup> Radière's letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 249; that of Arendt, in VII, folio 197.

<sup>2</sup> This letter, without date, is in the *Papers of the Continental Congress*, No. 152, VI, folio 287.

<sup>3</sup> Sweers's letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 251; that of Knoblauch, in XIII, folio 475.

<sup>4</sup> A letter from Clinton on this nomination is in the *Papers of the Continental Congress*, No. 163, folio 1.

That the Rev. Hezekiah Smith, of Haverhill, in Massachusetts bay, be appointed chaplain to the brigade commanded by Brigadier John Nixon:<sup>1</sup>

That the Rev. Adam Boyd be appointed chaplain to the North Carolina brigade, commanded by Colonel Clarke:

That the Rev. John Hurt be appointed chaplain to the brigade late commanded by Brigadier Weedon:

That the Rév. Mr. David Avery be appointed chaplain to the brigade commanded by Colonel John Baily, late Brigadier Learned's brigade.<sup>2</sup>

The Committee of Commerce laid before Congress a letter of 25 April, and one 2 May last, from Mr. Schweighauser, at Nantes, with sundry papers enclosed:

*Ordered*, To lie on the table.

Also a letter of 3 July, from Abraham Livingston, at Charleston, South Carolina, with a letter enclosed from Stephen Ceronio, at Cape François, to the said Mr. A. Livingston:

*Ordered*, That these be returned to the Committee of Commerce, and that the committee be directed to report specially thereon.

A letter, of 5, from John Baynton, was read; also,

One of 6, from Andrew Lewis and Thomas Lewis, commissioners at Pittsburg, with sundry papers enclosed, || were read: ||<sup>3</sup>

*Ordered*, That the same be referred to the Board of War.

A letter, of this day, from Major J. Bigelow, was read.

A letter, of 14, from the Board of War, was read;<sup>4</sup>

<sup>1</sup>A letter of Nixon recommending the appointment is in No. 163, folio 13.

<sup>2</sup>A letter from Colonel John Bailey, dated August 11, recommending Rev. Mr. Avery, is in the *Papers of the Continental Congress*, No. 78, III, folio 103.

<sup>3</sup>The letter of Baynton is in the *Papers of the Continental Congress*, No. 78, III, folio 99.

<sup>4</sup>This letter is in the *Papers of the Continental Congress*, No. 147, II, folio 171; that of Bigelow, in No. 78, III, folio 113.

Whereupon,

*Resolved*, That the Board of War be empowered and directed to take such measures with regard to the making up, storing and transporting the imported cloathing mentioned in the resolutions of Congress of the 28 May last, as to them shall seem expedient and best adapted to present circumstances; any thing contained in the said resolutions notwithstanding.

*Ordered*, That a warrant issue on the treasurer, in favour of James Mease, Esq. cloathier general, for 20,000 dollars, to enable him to answer a draught of his agents, Messrs. Otis and Andrews, of Boston, in favour of Sir James Jay, for a like sum received of him by the said agents; the cloathier general to be accountable.

A memorial from Henry Dulhauer, on behalf of himself and his comrade, Frederick Brown, was read:

*Ordered*, That it be referred to the Board of War.

Adjourned to 10 o'Clock to Morrow.

WEDNESDAY, AUGUST 19, 1778

Mr. Cyrus Griffin, one of the delegates from Virginia, attended, and produced credentials of the appointment of delegates from that State, which were read as follows:

IN THE GENERAL ASSEMBLY OF VIRGINIA, *May 29th, 1778.*

*Resolved*, That Thomas Adams, John Harvey, John Banister, Francis Lightfoot Lee, Meriwether Smith, Richard Henry Lee, and Cyrus Griffin, Esqrs. be appointed delegates to represent this commonwealth, in Congress, for one year from the eleventh day of August next.

ARCHIBALD CARY, *Speaker of the Senate.*

BENJAMIN HARRISON, *Sp. H. D.*<sup>1</sup>

<sup>1</sup> The original is in the *Papers of the Continental Congress, Virginia, Credentials of Delegates.*

A letter, of 16, from General Washington, enclosing copy of one of 13, from General Sullivan, at Rhode Island, was read:

A letter, of 17th, from Joseph Nourse, secretary of the Board of War and Ordnance, enclosing a monthly return of military stores, was read.<sup>1</sup>

The Marine Committee having informed Congress that a fleet of the enemy is now in the river Delaware, their strength and destination unknown:

*Resolved*, That the Marine Committee be empowered and directed immediately to equip and despatch, with all possible expedition, all the armed vessels now in port, to aid the frigate *Chimère*, and to annoy the enemy.

On motion, *Ordered*, That the cloathier general make a return to Congress of the issues of cloathing made by him, or any of his agents, to the several regiments in the continental service, from the 1st day of October last.

The committee to whom was referred that part of General Washington's letter of the 4th, respecting the department of the cloathier general, brought in a report, which was read:

The Committee to whom was referred that part of General Washington's letter of the 4<sup>th</sup> of August which respects the Department of the Clothier General, are of opinion that it will be best for the future that the several States do make provision for cloathing their respective Quotas of Troops for the Continental Army, agreeably to the Articles of Confederation. And therefore submit to the consideration of Congress the following Resolutions:

*Resolved*, that no more Purchases be made by M<sup>r</sup> Mease, the Clothier General, or any of his Agents.

That a proper person be appointed by Congress to receive of the said Clothier General all the Cloathing and Goods of every Kind in his Custody belonging to the United States, with Invoices of the same,

<sup>1</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 263; that of Nourse is in No. 147, II, folio 193; that of Sullivan is in No. 160, folio 149.

specifying the Quantity and Cost of each Article; And that M<sup>r</sup> Mease deliver the same accordingly to the Person so appointed.

*Resolved*, That it be recommended to the several States to appoint proper Persons who shall reside at or near the Army to receive and issue Cloathing to their respective Quotas of Troops.

*Resolved*, that the Cloathing now belonging to the United States, or that shall be imported in consequence of Orders already given, be divided and delivered to the several States, or their Agents, in such Proportion as Congress shall hereafter direct.

*Resolved*, That it be recommended to the several States to take effectual Measures for supplying their respective Quotas of Troops in the Army with sufficient Cloathing from Time to Time, and such Parts thereof as are due to the Soldiery by way of Bounty, agreeably to the Resolutions of Congress, shall be paid for by the United States at a reasonable Estimate for Cloathing each Man, so that equal Justice may be done to all the States.

*Resolved*, That General Washington be directed to appoint a Court of Enquiry into the Conduct of James Mease in his Office of Clothier General, his Deputies and Agents; that it may be known whether the grievous Sufferings of the Army for Want of Cloathing have been owing to his or their Misconduct or Neglect of Duty. And that M<sup>r</sup> Mease be suspended until the Result of such Enquiry shall be transmitted by General Washington to Congress.<sup>1</sup>

*Ordered*, That the consideration thereof be postponed.

*Ordered*, That Mr. Deane be informed, that Congress do not expect his attendance this day, but that he attend on Friday next, at ten o'clock, to proceed in his information.

Congress proceeded to the election of two members to the navy board in the middle district, and the ballots being taken,

Captain Nathaniel Falconer and James Searle, Esq. were elected.

The Marine Committee brought in a report, which was taken into consideration; Whereupon,

<sup>1</sup> This report, in the writing of Samuel Adams, is in the *Papers of the Continental Congress*, No. 81, folio 49. With other papers it was referred to another committee on October 5, whose report is printed under October 9, 1778, *post*.

*Resolved*, That the respective navy boards be authorized and empowered to appoint and constitute courts of enquiry and courts martial, under the direction of the Marine Committee, to examine and determine all offences and misdemeanors in the marine department, according to law martial, in the same manner as by a resolve of the 6th of May last is prescribed in certain cases therein mentioned, and that this resolve continue in force until the 6 day of May next, and no longer.

*Resolved*, That application be made to his excellency the Count d'Estaing, vice admiral of France, to purchase of him all such prize ships and other vessels which he may take on the coasts of these states, as he may not choose to retain in his hands or send into port:

That the Marine Committee take proper measures to execute this resolution, and make monthly reports to Congress of the several vessels that may be so purchased, and the cost thereof.

*Resolved*, That the Marine Committee be instructed to stipulate for the payment of such vessels as shall be so purchased in continental currency or provisions.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due, to Gifford Dalley, for providing an entertainment on the reception of Mons. Gérard, minister plenipotentiary from the court of France, on Thursday, the 6 instant, the sum of 1424 dollars:

That there is due, to Richard Ross, for riding express from January 15, 1777, to November 1st, 289 days, a balance of 195 dollars.

The auditor general also reports,

That there is due, to James Millegan, Esq. for his pay as commissioner of accounts at the Board of Treasury, from 16 March to 19 August, inclusive, 157 days, at five dollars ||per day,|| 785 dollars:

That there is due, to William Turnbull, Esq. for his pay as commissioner of claims at the treasury office, from 3 December, 1777, to the 4th February, 1778, 64 days, at four dollars per day, 256 dollars; and from 5 February to 18 August, inclusive, 195 days, at five dollars per day, 975 dollars; in all, 1231 dollars:

That there is due, to Mr. Thomas Ewing, for his pay as clerk to the Board of Treasury and commissioners of claims, from the 28 of December, 1777, to the 28 July, 1778, seven months, at 75 dollars per month, 525 dollars.<sup>1</sup>

*Ordered*, That the said accounts be paid.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That upon application of the Board of War and Ordnance, a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pennsylvania, for six thousand dollars, in favour of Mr. Joseph Nourse, pay master to the said Board, to be advanced by them to Thomas Maybury, of New Jersey, in part of the sum of thirteen thousand three hundred and thirty three and one third dollars, which he is to receive on a contract for iron between him and Colonel Flower, commissary general of military stores, dated at Lebanon, 28 May, 1778; the said Joseph Nourse to be accountable.<sup>2</sup>

COMMERCIAL COMMITTEE, 19 August, 1778.

Whereas in the Laws or Proclamations which have been lately enacted or issued in several of the United States, laying an Embargo on Provisions, no provision has been made for exempting from such Embargo Vessels loading on account of the United States, or of the Government of the respective States, with rice, for the purpose of making remittances for supplies of Arms, Ammunition and Clothing, which have been shipped for the public Use: Whereby great Detriment is likely to accrue to the Public, not only by the loss of Cargoes

<sup>1</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 469.

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 136, II, folio 467.



of a perishable nature, but likewise from the Tendency, which the Detention of Remittances has to injure the Public Credit, and thereby endanger their supplies in future: Therefore,

*Resolved*, That it be recommended to the Executive, or Legislative authorities of the respective States, where such provision has not hitherto been made, forthwith to Exempt from Embargo, such Vessels as may be loading with Rice for the purpose of making Remittances either on Account of the United States or of the Government of the respective States for the payment of arms, ammunition, or other Military Supplies, which have been shipped for the public use.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

THURSDAY, AUGUST 20, 1778

A letter, of 19, from Major General Arnold, was read:

*Ordered*, That it be referred to the Board of War, and that the Board be directed to report their opinion on the necessity of an additional number of troops to the corps of invalids, for the purpose of guards in the city of Philadelphia; and if an additional number is, in their opinion, necessary, how many and for what purposes.

A letter, of 23 June, from Major General R. Howe, was read:<sup>2</sup>

*Ordered*, That it be referred to a committee of five:

The members chosen, Mr. [Edward] Telfair, Mr. [William Henry] Drayton, Mr. [Cornelius] Harnett, Mr. [Nathaniel] Scudder, and Mr. [Elbridge] Gerry.

A letter, of 20, from J. M'Kinley, Esq. late president of Delaware, was read, soliciting to be exchanged for William Franklin, Esq. late governor of New Jersey; Whereupon,

<sup>1</sup>This report, in the writing of \_\_\_\_\_, is in the *Papers of the Continental Congress*, No. 81, folio 185. No entry is found in the journals.

<sup>2</sup>The letter of Arnold is in the *Papers of the Continental Congress*, No. 162, folio 145.

<sup>3</sup>This letter is in the *Papers of the Continental Congress*, No. 160, folio 461; that of McKinley, in No. 70, folio 655.

A motion was made, that the sense of the house be taken, whether it is consistent at present with the interest of the United States to consent to the exchange of William Franklin, Esq. late governor of the State of New Jersey:

The previous question was moved that that question be not now put; and the yeas and nays being required by Mr. [William] Duer,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	ay	} ay	Mr. Chase,	no	} ay
<i>Massachusetts Bay,</i>			Plater,	ay	
Mr. S. Adams,	ay	} ay	Forbes,	ay	
Gerry,	ay		<i>Virginia,</i>		
Lovell,	ay		Mr. T. Adams,	ay	} ay
Holten,	ay		Harvie,	ay	
<i>Rhode Island,</i>			R. H. Lee,	ay	
Mr. Marchant,	ay	} ay	Griffin,	no	
<i>Connecticut,</i>			<i>North Carolina,</i>		
Mr. Hosmer,	ay	} ay	Mr. Fenn,	ay	} no
A. Adams,	ay		Harnett,	no	
<i>New York,</i>			Williams,	no	
Mr. Lewis,	no	} no	<i>South Carolina,</i>		
Duer,	no		Mr. Laurens,	ay	} ay
G. Morris,	no		Drayton,	no	
<i>New Jersey,</i>			Heyward,	ay	
Mr. Elmer,	ay	} ay	<i>Georgia,</i>		
Scudder,	ay		Mr. Telfair,	no	} div.
Boudinot,	ay		Langworthy,	ay	
<i>Pennsylvania,</i>					
Mr. Roberdeau,	ay	} ay			
James Smith,	ay				

So it was resolved in the affirmative, and the main question set aside.

On motion, That the sense of the house be taken, whether W. Franklin, Esq. late governor of New Jersey, is a prisoner of the United States.

Question put,

*Resolved*, That W. Franklin, late governor of New Jersey, is a prisoner of the United States.

A motion was made, that Congress consent to the exchange of Governor M'Kinley for Governor Franklin.

The previous question was moved, and the yeas and nays required by Mr. [Elbridge] Gerry,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	ay	ay	Mr. Plater,	ay	ay
<i>Massachusetts Bay,</i>			Forbes,	ay	ay
Mr. S. Adams,	ay		<i>Virginia,</i>		
Gerry,	no	div.	Mr. T. Adams,	ay	
Lovell,	no		Harvie,	ay	
Holten,	ay		R. H. Lee,	ay	ay
<i>Rhode Island,</i>			Griffin,	ay	
Mr. Marchant,	ay	ay	<i>North Carolina,</i>		
<i>Connecticut,</i>			Mr. Penn,	no	
Mr. Hoerner,	ay	ay	Harnett,	ay	no
A. Adams,	ay	ay	Williams,	no	
<i>New York,</i>			<i>South Carolina,</i>		
Mr. Lewis,	no		Mr. Laurens,	ay	
Duer,	ay	ay	Drayton,	no	no
G. Morris,	ay		Heyward,	no	
<i>New Jersey,</i>			<i>Georgia,</i>		
Mr. Scudder,	no	div.	Mr. Telfair,	no	div.
Boudinot,	ay		Langworthy,	ay	
<i>Pennsylvania,</i>					
Mr. Roberdeau,	no	div.			
James Smith,	ay				

So it was resolved in the affirmative and the main question set aside.

A letter, of 23 July, from John Wereat, Esq. of Savannah, in Georgia, was read, accompanied with an appeal against the judgment of a court of admiralty on the libel against the armed brig *Hinchinbroke*:

*Ordered*, That the said letter with the appeal be referred to the Committee on Appeals.

A letter, of 14 July, from John Sanford Dart, of South Carolina, with an invoice of cloathing enclosed, was read.

*Ordered*, That it be referred to the Board of War.

A letter, of this day, from Capt. J[osiah] Stoddard, was read;<sup>1</sup> Whereupon,

*Ordered*, That to morrow be assigned for taking into consideration the report of the Board of War on the petition of Captain Stoddard and others.

A letter, of 22 July, from Raymond Demeré, was read:

*Ordered*, That it be referred to the committee on a former letter from the said Mr. Demeré.

*Resolved*, That a member be added to the said committee:

The member chosen, Mr. [James] Forbes.

A memorial from the honorable Sieur Gérard minister plenipotentiary from the Court of France, was read, informing that a French sailor, taken on board of an English privateer by an American ship, is confined in the prison of Philadelphia, and requesting that the Congress of the United American States would be pleased to give orders that the said sailor be delivered to his disposal, on the assurance of an equal return in a similar case:

*Ordered*, That the same be referred to the Marine Committee, and that they be directed to comply with the said request.

The committee to whom was referred the letter from General Washington, relative to Baron Steuben, brought in a report:

The Committee to whom General Washington's letter relative to the Baron Steuben, &c. &c. was committed, beg leave to report that they have had an Interview with the Baron, and have examined and attended to the proposals laid before them by that Gentleman, and having fully considered the Nature and Necessity of a well regulated Inspectorship for the Army of the United States; do Recommend the following

<sup>1</sup> Wereat's letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 517; that of Stoddard, in XX, folio 283.

Resolutions to be adopted by Congress; but as the well being of the Army in their opinion greatly depends on this important Office being established on the best military Principles, the Committee recommend that the said Resolutions previous to their being finally Passed by Congress, be sent to the Commander in Chief for his perusal and observations thereon, and those of any General Officer to whom he may think proper to communicate them.

*Resolved*, That an Inspector General of the Armies of the United States be appointed, with the Rank, Pay and Rations of a Major General.

*Resolved*, That the Duty of the Inspector General shall consist in forming a System of Rules and Regulations for the Exercise of the Troops in the Manual Manceuvres and Evolutions, for the purposes of Service in Guards and Detachments, and for Camp and Garrison duty. That he shall also Review the Troops, Regiment by Regiment, once a Month while in the Field and Collected, or once in Three Months while in Garrison or Detachment, the former in Person, and the latter by his Assistants when he cannot personally attend; that at such Review he shall inspect the Number and Condition of the Men so far as regards the Health and apparent fitness for Service, examining into the Losses sustained by Sickness, Battle, Desertion or otherwise; the Recruits received, inspecting them and discharging such as are unfit for Service; he shall also upon the Recommendation of the Commanding Officer of the Regiment, discharge any Soldier who, by Infirmary, Wounds or length of Service, is become unfit for Service, Certifying their Reward or Title to any public Provision. It shall be his Duty also to inspect the State of the Arms, Accoutrements, Tents, Camp Equipage and Clothing, observing what Arms have been lost or spoiled since the last Review, and as near as possible by what means.

If any Regiment is Deficient in Clothing, Arms, Accoutrements, Tents, or Camp Utensils after due Allowance for Wear and Use, he is to report to the Commander in Chief and Board of War, such deficiency, with the causes of it, so far as have come to his knowledge, at the same time advising in what manner these deficiencies may be supplied, and future Waste or Loss as much as possible prevented. For this purpose he is to be Authorized to call on the Commanding Officers of Regiments for exact returns of all these particulars. At the first Review and as much as possible afterwards, he must endeavor to ascertain the exact Strength of each Regiment, whether the Men are present, or on any out Duty, in Hospitals, on Furlow, or otherwise;

he must furnish the Officers with Forms of all Returns he may require of them, and when any Error or Defect appears in the Administration or Discipline of the Troops, he is to report it to the Commander in Chief with the means of Redress.

It shall be the duty of the Inspector General to observe how far the present Articles of War are sufficient for the Discipline and good Government of the Army, and to Report with the approbation of the Commander in Chief, to the Board of War, fresh Alterations and Additions as may be necessary in order that Congress may adopt them if thought proper.

The Exercise and Manœuvring will be always under the direction of the Inspector General, all the new Manœuvres to be introduced by him, and old ones performed according to the established Principles under his Direction.

In the Performance of these several Duties, the Inspector General and his Assistants are Authorized to have the Troops under Arms when they desire.

*Resolved*, That there be an Assistant Inspector General appointed with the Rank, Pay and Rations of a Brigadier, and that such Assistant be always a Native of America.

*Resolved*, That there be one Lieutenant Colonel of Cavalry, one Lieutenant Colonel of the Light Troops, and four Lieutenant Colonels of Infantry appointed as Sub-Inspectors, all of whom are to Receive their Instructions, relative to the Discipline, Order and Exercise of the Army from the Inspector General, or in his Absence from his Assistant.

*Resolved*, That the Office of Brigade Inspector shall in future be annexed to that of Major of Brigade, who shall be one of the oldest Majors of the Brigade, appointed by the Commander in Chief: his Duty shall be to collect lists &c of all the Battalions of his Brigade, to Keep the Details, and take care of the formation and March of all the Guards, Detachments, &c.; he is to Receive all the Orders and Communicate them to the Commanding Officer of the Brigade and Regiment, and thro' the Adjutants, to all the Officers of the Brigade. He is to inspect the Police of the Camp, the Discipline and order of the Service. He is to do no duty in the Line, except the whole Brigade is ordered into action.

*Resolved*, That each Brigadier be allowed an Aid de Camp for the Dispatch of his orders; that he be taken from the Line, under the

Rank of Captain, and hold the same Rank as in the Line; that he be allowed Rations for himself, a Servant and two Horses.

*Resolved*, That the Inspector General, the Assistant Inspector General and Sub-Inspectors, hold Command in the Line according to their several Ranks and appointments, but that they shall be exempt from all common Camp and Garrison Duties, that they may attend more carefully to those of the inspection.

That the Inspector General be allowed            Dollars per Month; the Assistant Inspector General            Dollars per Month, in addition to their Pay as Officers in the Line for their Special Services as Inspectors.

*Resolved*, That the Inspector General and his Assistants be subject to the orders of Congress, the Board of War and the Commander in Chief only, so far as respects the Inspection of the army.

That all Rules and Regulations under this System be first approved and Authorized by the Commander in Chief, and either Published, or otherwise communicated thro' the Adjutant General to the Several Divisions of Brigades; that such Rules and Regulations be also transmitted to the Board of War with all convenient Dispatch.

*Resolved*, That all the Officers of Inspection are to be respected while in the Exercise of that Office according to their Function, and not their Rank; so that no Superior Officer is to refuse to have his Regiment mustered or Examined by an Officer of the Inspection, tho' of Inferior Rank: the Sub-Inspector is to attend the Major General of the Day, in examining whether the Duty of the Guards is performed according to Rule. When the Inspector is not present, the Brigadier or next Officer in Command is to Exercise and Manœuvre the Troops agreeable to the Principles and Rules laid down by the Inspector General. In Camp or Garrison when there is a Parade, the Inspector General, if present, or in his absence his Assistant, or the Sub-Inspector of the Day, is to exercise the Parade; but as soon as the General is beat, the Inspector leaves the further Direction to the General of the Day, or, if in Garrison, to the Commandant of the Place.

*Resolved*, That during a Review by the Inspector General or his Assistant, each Soldier shall have the privilege of leaving his Rank and presenting any Complaint or Grievance he may have, to the Inspector General or his Assistant; the Officers also, thro' the same Channel may prefer their Complaints, which are to be laid before the Commander in Chief.

*Resolved*, That the Baron de Steuben be appointed Inspector General of the Armies of the United States.

*Resolved*, That ——— be appointed Assistant Inspector General of the said Armies.

*Resolved*, That General Washington be desired to appoint the Sub-Inspectors before mentioned, and that he add to their Number, or diminish them, as future Circumstances and his Judgement shall direct.<sup>1</sup>

*Ordered*, That it be referred to General Washington, and that he be desired to consider the same, and return it to Congress, with his opinion and observations thereon.

A letter from John Campbell [dated August 3] was read, setting forth that he is settled on islands independent, and in a country deemed neutral and independent, and, looking on himself in that light, he desires that permission may be granted him for a free trade with the United States.<sup>2</sup>

*Ordered*, To lie on the table, and that Mr. Campbell be informed that Congress do not think it expedient to give any decision on the matter.

The Committee on the Treasury brought in a report; Whereupon,<sup>3</sup>

*Ordered*, That a warrant issue on the treasurer for 3000 dollars, in favour of the Committee of Commerce, to be by them transmitted to Messrs. James and Adam Hunter, of Fredericksburg, in Virginia, to pay the wages due the seamen on board the brigantine *Morris*, now under their care, laded with tobacco on public account, and other charges attending that vessel; the said committee to be accountable:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 19, VI, folio 255. It is endorsed: "Referred to General Washington, who is desired to consider the same, and to return it to Congress with his opinion and observations thereon."

"Returned, 15 Sept., 1778. Read and referred with observations thereon to Committee of Arrangement, who are directed to report a plan of regulation for inspectorship, agreeable to the said report and observations of the General."

See under February 18, 1779, *post*.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 78, V, folio 189.

<sup>3</sup> From this point to the end of this day's proceedings the writing in the MS. Journals is that of Thomas Edison.



That a warrant issue on the treasurer for 500 dollars, in favor of the Hon. John Wentworth, Esq., one of the delegates from the State of New Hampshire, advanced him upon his application; the said State to be accountable:

That a warrant issue on the treasurer for 250 dollars, in favor of James Green, Jun. in discharge of a bill drawn by Samuel Johnston, treasurer of the northern district of the State of North Carolina, and dated 16th March, 1777, for that sum, in favor of said James Green, Jun. the said State to be accountable:

That a warrant issue on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pennsylvania, on the application of the Board of War and Ordnance, for 17,786 dollars, to be paid to Joseph Nourse, their pay master, and to be by him forwarded to Brigadier Count Pulaski, for the equipping his legion; the said Brigadier Pulaski to be accountable.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

FRIDAY, AUGUST 21, 1778

A letter, of 16th, from General Washington, was read, which was accompanied with the proceedings of the court martial in the case of Major General Lee, and enclosing sundry papers, comprehending a request by General Phillips, for an officer to go into Canada by way of lakes, on the subject of cloathing for the convention troops:<sup>2</sup>

*Ordered*, That the said papers, with so much of General Washington's letter as relates to General Phillips, be referred to a committee of three:

The members chosen, Mr. [Samuel] Chase, Mr. [William] Duer, and Mr. R[ichard] H[enry] Lee.

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 473.

<sup>2</sup> The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 255; the enclosures on Phillips are with it; his letter of the 19th is on folio 299.

*Ordered*, That the proceedings of the court martial in the case of Major General Lee lie on the table for the perusal of the members, to be taken into consideration on Wednesday next.

Another letter, of the 19, from General Washington, enclosing a copy of a letter of 17th, from General Sullivan, ||was read.||

A letter, of the 20, from the council of Pennsylvania, was read, informing that the said council and a committee of the hon. house ||of assembly|| desire a conference with a committee of Congress, on the subject of fortifying the river Delaware; Whereupon,

*Resolved*, That a committee of three be appointed to confer with the council and committee of the assembly of Pennsylvania, on the business aforesaid:

The members chosen, Mr. R[ichard] H[enry] Lee, Mr. [William] Duer, and Mr. [Nathaniel] Scudder.

A letter from Fanny Raden was read, praying for leave to go to New York:

*Resolved*, That leave be not granted.

*Resolved*, That when any persons are desirous of going within the enemy's lines, they shall apply to the executive powers of the State to which they belong; and if the said executive powers approve the motives and characters of the persons applying, and shall be of opinion, especially at so critical conjunctures as the present, that no danger will ensue by granting such permission, that they recommend them to the officer commanding the troops next to the enemy, who, upon such recommendation, may, at his discretion permit the persons to go in.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due to the officers and privates of the invalid regiment, for pay and subsistence for the months of May and June last, the sum of 937 54/90 dollars:<sup>1</sup>

<sup>1</sup>This report, dated August 20, is in the *Papers of the Continental Congress*, No. 196, II, folio 471.

*Ordered*, That the said accounts be paid.

The Marine Committee, to whom was referred the memorial of Captain Pierre Mordret, report,

That the case set forth by the said memorial should be determined by a court of admiralty;

*Resolved*, That Congress agree to the said report.

According to order, Mr. Deane attended, and proceeded in his information, and having finished the general account of his transactions, from the time of his first arrival in France to his departure from that kingdom, and of his commercial transactions in Europe, especially with Mr. Beaumarchais, he had leave to withdraw, and withdrew accordingly.

*Ordered*, That 100 copies of the proceedings of the court martial of the trial of Major General Lee, be printed for the use of the members.<sup>1</sup>

*TREASURY OFFICE, August 31, 1778.*

The Committee on the Treasury beg leave to report,

That on the 24th Ulto they, by a Circular Letter, requested the Governors and Presidents of the several States to "give Orders to the Treasurer of their respective States, to make Monthly Returns to this Board of the Sums of Money paid into their Hands, for the purpose of supplying the Continental Treasury, conformable to the Resolution of Congress of the 22nd Day of November last, and to answer the Draughts of the President of Congress for such Sums." In Answer to which, Letters have been received from their Excellencies Thomas Johnson, Esquire, Governor of the State of Maryland; and Patrick Henry, Esquire, Governor of the State of Virginia, which the Committee beg leave to lay before Congress for their information.<sup>2</sup>

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup> A memorial of Baron d'Arendt was read on this date. It is in the *Papers of the Continental Congress*, No. 41, I, folio 21.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 477. The letter of Johnson is on folio 481, and the letter of Henry, with an extract from the supply bill, is on folio 485.

SATURDAY, AUGUST 22, 1778

A letter, of this day, from Benjamin Randolph, was read.

*Ordered*, That it be referred to the Board of War.

A letter, of this day, from Colonel Proctor, was read.

*Ordered*, That it be referred to the Board of War.<sup>1</sup>

A letter, of 18, from Baron de Kalb, was read:<sup>2</sup>

*Ordered*, To lie on the table.

A letter of the 17, from Baron de Kalb, was read.<sup>2</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [Richard Henry] Lee, Mr. [William] Duer, and Mr. [James] Lovell.

Two letters, of this day, from Captain Stoddard, were read:

*Ordered*, To lie on the table.

A letter from Mrs. [Hannah] Sweers was read:<sup>3</sup>

*Ordered*, To lie on the table, till the report of the committee on the case of Colonel Flower and Cornelius Sweers is taken into consideration.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Joseph Nourse, pay master of the Board of War and Ordnance, for 332,743 60/90 dollars, being the balance of the sum of 932,743 60/90 dollars, granted by Congress on the 11 of June last, for carrying on an expedition

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XIX, folio 253. That of Proctor is in No. 58, folio 273.

<sup>2</sup>These letters are in the *Papers of the Continental Congress*, No. 164, folios 318 and 322.

<sup>3</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XX, folio 255.

against the Indians; the said Joseph Nourse to be accountable.<sup>1</sup>

The order of the day being called for, Congress took into consideration the report of the committee on the treasury, when it was agreed, that the report shall be considered and debated by paragraphs; to which amendments may be offered and questions taken on the several amendments, but no question shall be put on the report till the whole is gone through, and then the question shall be put to agree to the whole as amended.

In considering the powers of the comptroller,

A motion was made, after the words "payable by the United States," to insert "in consequence of resolutions of Congress;"

Question put, the yeas and nays being required by Mr. [Samuel] Chase,

<i>New Hampshire,</i>			<i>Maryland,</i>		
Mr. Bartlett,	ay	ay	Mr. Chase,	ay	} ay
<i>Massachusetts Bay,</i>			Plater,	ay	
Mr. Gerry,	ay	} ay	Forbes,	ay	
Lovell,	ay		<i>Virginia,</i>		
Holten,	ay		Mr. T. Adams,	no	} no
<i>Rhode Island,</i>			Harvie,	no	
Mr. Marchant,	no	no	R. H. Lee,	no	
<i>Connecticut,</i>			Griffin,	no	
Mr. A. Adams,	no	no	<i>North Carolina,</i>		
<i>New York,</i>			Mr. Penn,	no	} no
Mr. Duer,	ay	} div.	Harnett,	no	
G. Morris,	no		Williams,	no	
<i>New Jersey,</i>			<i>South Carolina,</i>		
Mr. Elmer,	no	no	Mr. Laurens,	ay	} ay
<i>Pennsylvania,</i>			Drayton,	ay	
Mr. Roberdeau,	ay	ay	<i>Georgia,</i>		
<i>Delaware,</i>			Mr. Telfair,	no	} no
Mr. M'Kean,	ay	ay	Langworthy,	no	

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 138, II, folio 491.

So the states were equally divided, and the motion lost.

*Ordered*, That the farther consideration thereof be postponed to Tuesday next.

Adjourned to 9 o'Clock on Monday.

AT A BOARD OF WAR, *August 22d, 1778.*

Present, Mr. Duer, Col. Pickering, Mr. Peters.

The Board of War to whom was referred the letter of Genl. Washington of the 3d inst. on the subject of the intended Northern Expedition against the Indians, having maturely considered the same are of opinion,

That from the Want of early Preparations, the advanced Season of the Year, it being not only too late to begin the Supplies but also for the attempting to assemble a sufficient Body of Men at a proper Place of Rendezvous in Time to proceed in the Enterprize; the large Number of Men requisite for the carrying the Expedition thro' with Safety and the Danger of weakening the Grand Army at this Time, much diminished by large Detachments; the greater Importance of the Objects which at this Time claim our Attention and to the Accomplishment whereof our whole Force is barely sufficient, and little Assistance to the intended Expedition to be expected from the Northern Militia, and the Probability that in a Change of Circumstances in this Quarter the Indian Ravages will cease of Course, it is impracticable and imprudent to proceed on the said Expedition. Wherefore, the Board beg Leave to report to Congress,

That the intended Expedition against the Senecas and other Hostile Tribes of the Northern Indians, mentioned in the Resolution of Congress of the 11th of June last, be for the present laid aside.

That Genl. Washington be directed to pursue such practicable Measures for the Defence of the Frontiers of the States exposed to the Incursions of the Northern Indians, as to him shall seem best adapted to present Circumstances calculated to check the Ravages of the Enemy and to protect the distressed Inhabitants of the said Frontiers.<sup>1</sup>

<sup>1</sup> This report, in the writing of Richard Peters, is in the *Papers of the Continental Congress*, No. 147, II, folio 207.

MONDAY, AUGUST 24, 1778

A letter, of 20 July, from Brigadier Moultrie, was read, with a letter of 18 inclosed, from Dr. Oliphant:

*Ordered*, That so much thereof as relates to the cloathing department lie on the table:

That so much as relates to the new establishment of the army, be referred to the Board of War: and

That so much as relates to the hospital, together with Dr. Oliphant's letter, be referred to the committee of arrangement.

Another letter, of 27 July, from Brigadier Moultrie, was read:<sup>1</sup>

*Ordered*, To lie on the table.

A letter, of 10, from James Graham, of New York, was read:

*Ordered*, That it be referred to the delegates of South Carolina and Georgia.

A letter from Messrs. Hodgson & Brown, inhabitants of New Providence, taken on board the ship *Charlotte* by the fleet under the command of the Count d'Estaing, and confined in the new gaol of Philadelphia, was read, praying Congress to consider their case and to grant whatever indulgences their situation may be judged entitled to:

*Ordered*, That the said Messrs. Hodgson & Brown be informed, that they, being prisoners of his most Christian Majesty, and not inhabitants of any of these United States, their application for indulgence must be made to the minister of France.

<sup>1</sup> The letter of July 20 from Moultrie is in the *Papers of the Continental Congress*, No. 158, folio 461; that of David Oliphant is on folio 465; that of the 27th from Moultrie is on folio 469.

A letter, of this day, from Colonel Wadsworth, commissary general of purchases, was read:<sup>1</sup> Whereupon,

Congress took into consideration the report of the committee on the letter 23 July, from the said commissary to his deputy Ephraim Blaine, Esq: wherein the said committee report as their opinion, "that the transportation of flour to the eastern states by sea, is wise and necessary:" Whereupon,

*Resolved*, That the commissary general of purchases do procure in Pensylvania, Delaware, Maryland, and Virginia, on the most reasonable terms, 7000 twenty thousand barrels of flour: ~~two thousand thereof to be exported to Providence in the State of Rhode Island, with all possible expedition for the immediate Consumption of the Troops stationed there, and the remaining five thousand to be exported to Boston, in the State of Massachusetts Bay, as soon as conveniently may be, for such public Uses as Congress shall hereafter direct.~~

That the said commissary general of purchases be directed to procure vessels for the transportation of the flour aforesaid; and that he give timely notice of the sailing of the said vessels, and confer thereon with the Marine Committee, to the end, that convoy may be obtained for the same and the destination thereof be directed.<sup>2</sup>

The committee to whom were referred the papers relative to Colonel Benjamin Flower and Cornelius Sweers, for mal-practices in office, report,

"That having caused Cornelius Sweers's deposition to be taken, (the same being herewith presented) respecting his charge against Colonel Flower, having confronted Cornelius Sweers and Colonel Flower, together, the latter

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XXIII, folio 537.

<sup>2</sup>This report, in the writing of Gouverneur Morris, is in the *Papers of the Continental Congress*, No. 29, folio 117.



did positively deny all and every part of the charge against him by the former: that during Sweers's examinations, he appeared to be under fears and apprehensions; that during Colonel Flower's examinations, he appeared possessed of a confidence of his innocence with respect to the charge: that Colonel Flower gave in to the committee a written declaration, stating his conduct in office, which is also herewith presented: that having examined Henry Baker, therein mentioned, it appears that at or about the time of the battle of Brandywine, in Philadelphia, the said Cornelius Sweers did, as stated in the said declaration, make him give a receipt for more money than was by Sweers paid to him: that about the 22 day of June last, being ordered by Colonel Flower to arrest Cornelius Sweers, he, upon that occasion, told Colonel Flower of this conduct of Sweers: that Colonel B. Flower being farther examined, it appears he gave this order for the arrest of Sweers, being informed by Mr. Turnbull that a discovery had been made and laid before Congress, of several forgeries, supposed to be made by Sweers, in the public accounts he delivered into the treasury, and that this arrest was ordered before he, Colonel Flower, heard that Congress had given any such order. That it appears from Colonel Flower's public letter book, that he used his best endeavors to cause Cornelius Sweers to be apprehended without any loss of time: that it appears from Colonel Flower's examination that it was after Sweers's arrest, and while he was in confinement at Philadelphia, that he told Cornelius Sweers of his being informed, as stated in the declaration, that Cornelius Sweers had taken a receipt for more money than he had paid, which particular Sweers admitted, viz., that Colonel Flower had so told him: that Sweers, having been repeatedly questioned

upon the point, as often declared he had not any charge to make against Colonel Flower, other than what was stated in his deposition, nor did he know of any other instance of mal-practice in Colonel Flower's conduct in his department: that upon the whole, it does not appear to the committee that there is sufficient evidence on the part of Cornelius Sweers to support a prosecution against Colonel Flower, whose integrity, in their opinion, stands unspotted, notwithstanding the charge by Sweers:" Whereupon, Congress passed the following resolution:

Whereas, after minute enquiry it has appeared to Congress, that the integrity of Colonel Benjamin Flower, commissary general of military stores, remains unspotted, notwithstanding the charge by Cornelius Sweers, deputy commissary general of military stores, against Colonel Flower, for fraud in his office:

*Resolved*, That Colonel Benjamin Flower be discharged from his arrest, and permitted to resume the functions of his office.

Whereas, there are so many strong appearances of Cornelius Sweers being guilty of divers forgeries and frauds against the public in his official transactions:

*Resolved*, That able counsel be retained on behalf of the United States, in a court of law to prosecute Cornelius Sweers, for the forgeries and frauds by him committed in office; and that the books and papers (except Sweers's deposition and letters relative thereto,) and the accounts in possession of Congress, relative to such mal-conduct, be placed in the hands of such counsel, as materials whereupon to ground the prosecution to form and support the charge; and further, that Colonel B. Flower be required to collect all necessary witnesses capable of demonstrating the frauds which are apparent in the public accounts,

wherein forgeries are supposed to have been committed by the said Cornelius Sweers.<sup>1</sup>

*Resolved*, That the Board of Treasury be empowered and directed to employ the counsel above directed to prosecute Cornelius Sweers.

The Committee on the Treasury brought in a report: Whereupon,

*Ordered*, That the following warrants, amounting to three million of dollars, issue in favour of Jeremiah Wadsworth, Esq. commissary general of purchases, for the use of his department, viz.

One on the treasurer for two million eight hundred and fifty thousand dollars;

One on Thomas Smith, Esq. commissioner of the continental loan office in the State of Pennsylvania, for one hundred thousand dollars;

And one on Thomas Harwood, Esq. commissioner of the continental loan office in the State of Maryland, for fifty thousand dollars; for which sum of three million of dollars the said Jeremiah Wadsworth is to be accountable.<sup>2</sup>

A petition from Phineas Babcock, was read; Whereupon,

*Resolved*, That the said petition be transmitted to the commissioners of accounts at Albany, and that the said commissioners be authorized to examine into the merits of the said petition, and if upon an examination of evidence and other vouchers adduced by the said Babcock, they shall find that any of his stock or other property have been *bona fide*, applied for the use of the continental army, that they pass the accounts of the said Phineas Babcock for as much money as may be reasonably due for such stock or other property which may have been so applied.

<sup>1</sup> This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 19, II, folio 299.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 493.

A letter, of 11 August, from Governor Trumbull, and one, of 25 July, from Meshech Weare, ||of New Hampshire,|| were read.

A letter, of 15, from P. Colt, Esq. was read;<sup>1</sup>

*Ordered*, That a duplicate of the warrant in favour of William Buchanan, late commissary general of purchases, for 100,000 dollars, on John Lawrence, Esq. commissioner of the continental loan office in the State of Connecticut, for the use of P. Colt, Esq. dated 16 July last, be made out and sent to the said P. Colt, and made payable to him in case the former warrant has not already come to his hands or been paid.

COMMERCIAL COMMITTEE, 24 August, 1778.

Your Committee beg leave to report, That there is lately arrived at Edenton, North Carolina, from Cadiz, 45 pieces of Iron Cannon, which by Contract with your Commissioners at Paris, were to be delivered at the risk of the shippers, at any Port from New Hampshire to Virginia, and to be paid for in Tobacco at one Quintal and a half of Tobacco for one Quintal of Iron. Your Committee request the sense of Congress relative to the disposal of said Cannon, and the mode of payment for the same.

28 Cannon.....	24 p <sup>ds</sup>
1-7 Cannon.....	18 p <sup>rs</sup>
45 Cannon, weight 2300 Quintals. <sup>2</sup>	

||Adjourned to 9 o'Clock to Morrow.||

TUESDAY, AUGUST 25, 1778

A letter, of 14, from B. Harrison, Esq. deputy pay master general in Virginia, with his monthly account enclosed, was read:

<sup>1</sup> The letter from Governor Trumbull is in the *Papers of the Continental Congress*, No. 66, I, folio 406; that of Governor Weare is in No. 64, folio 37; that of Colt, in No. 78, V, folio 193.

<sup>2</sup> This report, in the writing of Francis Lewis, is in the *Papers of the Continental Congress*, No. 31, folio 187.

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 22, from Governor Livingston, of New Jersey, was read:

*Ordered*, That it be referred to the Board of War.

A letter, of 21, from General Washington, enclosing a memorial addressed to him from Colonel Rawlins and other officers of that regiment was read:

*Ordered*, That the same be referred to the Board of War.

A letter, of 13, from Major Gibbs, was read.

A letter, of 21, from the Board of War, was read:<sup>1</sup>

*Ordered*, That it be referred to the delegates of Virginia and North Carolina.

Another letter of 21, from General Washington, and a letter of 19, from General Sullivan, at Rhode Island, were read.<sup>2</sup>

A memorial from Garret Steddiford, was read, representing, that he has the commission of ensign and quarter master in the 3d Pennsylvania regiment, and praying to be allowed pay for and agreeable to his said commissions.<sup>3</sup>

*Ordered*, That it be referred to the Board of War.

According to order, Congress resumed the consideration of the report of the committee on the arrangement of the treasury, and after some time spent thereon,

*Ordered*, That the farther consideration thereof be postponed.

<sup>1</sup>The letter of Livingston is in the *Papers of the Continental Congress*, No. 68, folio 396; that of Washington, in No. 152, VI, folio 277; that of Rawlins, in No. 41, VIII, folio 365; that of Gibbs, in No. 78, X, folio 109; that of the Board of War, in No. 147, II, folio 200.

<sup>2</sup>The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 278; that of Sullivan, in No. 160, folio 156.

<sup>3</sup>This memorial, dated August 22, is in the *Papers of the Continental Congress*, No. 41, IX, folio 56. It is endorsed by Laurens: "Memorial brought and laid on the table by Mr. Penn, 22d August, 1 o'clk A. M. [P. M.?]"

A letter, of 21, from Baron de Kalb, to Mr. R[obert] Morris, was ||laid before Congress, and|| read:

*Ordered*, That it be referred to the Board of War.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of Mr. Joseph Nourse, pay master to the Board of War and Ordnance, for 38,704 48/90 dollars, to enable them to pay for goods purchased of Peter Whitesides and Co.; the said Joseph Nourse to be accountable.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

WEDNESDAY, AUGUST 26, 1778

A memorial from the Marquis de Bretigny, was laid before Congress.<sup>2</sup>

*Ordered*, That it be referred to the committee to whom his letter of the 18th was referred.

A letter, of 6 July, from Mr. W. Bingham, at St. Pierre, Martinique, directed to the Committee of Foreign Affairs, and enclosing sundry papers relative to vessels captured in the West Indies, was read:

*Ordered*, That the same be referred to a committee of three:

The members chosen, Mr. [Titus] Hosmer, Mr. [William Henry] Drayton, and Mr. [Samuel] Chase.

A letter, of 24, from Cornelius Sweers, was read:

A memorial from John Harper & Co. owners of the schooner *Liberty*, respecting the said schooner, and proceedings thereon, was read:

<sup>1</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 497.

<sup>2</sup> This memorial, on the reduction of St. Augustine, is in the *Papers of the Continental Congress*, No. 78, III, folio 31. A translation is on folio 51. The letter of Bingham is in II, folio 503; that of Sweers, in XX, folio 259.

*Ordered*, That the same, together with the papers accompanying it, be referred to a committee of three:

The members chosen, Mr. [Samuel] Chase, Mr. [James] Smith, and Mr. [William] Duer.

The Board of War report, "That the commissaries general of purchases and issues have represented to them, that from the moving state of the army, many parts of the ration, as established by Congress, cannot frequently be obtained, and, from the peculiar circumstances attending the supplies, there is sometimes an over-quantity of one article while others are extremely scarce, some of the states affording greater quantities of meat, while others abound more in flour; and that hence great embarrassments arise in the delivery of the stated ration; and that under such fluctuating circumstances, which change with the motions of the army, it is impracticable and troublesome to apply to Congress on every alteration of situation;" Whereupon,

*Resolved*, That the Commander in Chief of the armies of the United States shall, in the army under his immediate command, and the commander of a separate department shall, in the army under his command, settle and determine according to circumstances, the ration to be issued to the troops, from time to time, giving an over proportion of a plentiful article in lieu and in full satisfaction of such as are scarce or not to be had, and which have been heretofore deemed part of the ration, reporting, from time to time, to the Board of War, the alterations and regulations by them respectively made in this respect.<sup>1</sup>

*Ordered*, That the remainder of the report be taken into consideration to morrow.

<sup>1</sup> This report, in the writing of Richard Peters, and dated August 25, is in the *Papers of the Continental Congress*, No. 147, II, folio 211. The members present were Pickering, Peters, and Duer. The rest of the report is printed under September 1, 1778, *post*.

A letter, of this day, from the Board of War, was read:<sup>1</sup>

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. R[obert] Morris, Mr. [Henry] Marchant, and Mr. S[amuel] Adams.

In consequence of an adjustment by the commissioners of claims, the auditor general reports,

That there is due, to John Pinkerton, for six windsor chairs for the use of the treasury office, the sum of 36 dollars:

That there is due, to Lewallin Barry, for riding express from June 1, 1777, to Nov. 1, and contingent expences, a balance of 246 82/90 dollars:

That there is due, to Col. George Morgan, for sundry contingent expences paid by him at Fort Pitt, by order of George Clymer, Sampson Matthews, and Samuel M'Dowell, Esqrs. commissioners appointed by Congress, being for their own expences and the expence of two expresses from the Mississippi, &c. 1867 68/90 dollars:<sup>2</sup>

*Ordered*, That the said accounts be paid.

The Committee on the Treasury report,

*Resolved*, That a Commissioner of Claims for the Treasury, and an  
*Agreed* Auditor for the Army, be appointed.

That they have considered the extra services and peculiar circumstances of William Bedlow, as set forth in his memorial, referred to them, and are of opinion that he be allowed thirty-five dollars per month, whilst acting as deputy pay master to William Palfrey, Esq. pay master general, in addition to his former allowance of fifty dollars per month:<sup>3</sup>

<sup>1</sup> This letter, on the fitting of John Dickinson's house for the residence of the French Ambassador, is in the *Papers of the Continental Congress*, No. 147, II, folio 215.

<sup>2</sup> This report is in the *Papers of the Continental Congress*, No. 136, II, folio 503.

<sup>3</sup> This report, dated August 25, is in the *Papers of the Continental Congress*, No. 136, II, folio 507.



*Resolved*, That Congress agree to the said report.

The petition of James Hawker, Captain of the *Mermaid*, prisoner in the new gaol, praying to be discharged on parole, was read, and it appearing to Congress that the said Captain Hawker had treated such American prisoners as fell into his hands with singular humanity and tenderness;

*Ordered*, That the Marine Committee enlarge the said Captain Hawker on his parole.

Adjourned to 9 o'Clock to Morrow.

THURSDAY, AUGUST 27, 1778

In consequence of a recommendation by Brigadier John Paterson,<sup>1</sup>

*Resolved*, That the Rev. M<sup>r</sup> Enos Hitchcock be, and he is hereby, appointed chaplain to Massachusetts brigade, commanded by Brigadier John Paterson.

A memorial from Hyam Solomon, late of the city of New York, was read:<sup>2</sup>

*Ordered*, That it be referred to the Board of War.

A motion was made that Congress meet twice a day; Whereupon it was moved that the consideration of that question be postponed.

On the question for postponing, the states were equally divided.

It was then moved in right of a State that the determination of the main question be postponed to the next day.

A letter, of 12 July, from Richard Ellis, at Newbern, North Carolina, and directed to the Committee of Commerce, was read:

<sup>1</sup> This recommendation, dated August 11, is in the *Papers of the Continental Congress*, No. 78, XVIII, folio 201.

<sup>2</sup> This memorial, dated August 26, is in the *Papers of the Continental Congress*, No. 41, IX, folio 58. It is signed Haym Salomon.

*Ordered*, That it be referred to the Committee of Commerce, and that they report thereon if they judge proper.

A letter, of 21, from Stephen Steward, of West river, Maryland, and directed to the Committee of Commerce, was read, desiring to know what he shall do with the ship *Chase*, and intimating that about two hundred hogsheads of tobacco, belonging to the public, are now spoiling; Whereupon,

*Ordered*, That the Committee of Commerce direct Mr. Steward to sell the tobacco, and to fit the vessel for sea with all despatch, to take on board a cargo of flour.

A letter, of 14 August, from Mr. de Francey to the Committee of Commerce, was read:

*Ordered*, That it be returned to the Committee of Commerce.

A letter, of 22, from Mons. Marmajou, with sundry papers enclosed, relative to the brig *Prudence*, was read:<sup>1</sup>

*Ordered*, That the same be referred to the committee on the letter of the 6th July from Mr. Bingham.

The committee to whom was referred the memorial of John Mitchel Esq. deputy quarter master general, report,

“That, as the deputy quarter master general, *ex officio*, applied to the judge of the admiralty of Pennsylvania, and, by his authority, on behalf of the United States of America, took possession of a ship or vessel loaded with British property, sunk on the chevaux-de-frize in the ||river|| Delaware, and left there by the enemy; and as two merchants of Philadelphia have claimed the ship and cargo, having, as they say, bought them at vendue, when the enemy were in possession of Philadelphia; and, as the executive council of Pennsylvania have also set up a claim, in behalf of the State, to the same ship and cargo; and therefore these several claims must be determined

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 78, XV, folio 377.

by a suit at law: the committee recommend that John Mitchel, deputy quarter master general, be authorized, at the charge of the United States, to maintain and prosecute their claim to the said ship and cargo."<sup>1</sup>

On the question put,

*Resolved*, That Congress agree to the report of the committee.

The committee appointed to consider part of a report of the Committee of Commerce, and the papers and accounts from Raymond Demeré, deputy cloathier general in Georgia, brought in a report:

*Ordered*, To lie on the table.

The Committee on the Treasury brought in a report; Whereupon,

*Ordered*, That a warrant issue on the treasurer in favour of James Mease, Esq. cloathier general, for 29,651 30/90 dollars, to enable him to pay a bill of exchange for this sum, drawn by Messrs. Otis and Andrews, of Boston, the 30th June last, in favour of John Bradford, Esq. and endorsed by him to the Marine Committee; the said James Mease to be accountable:

That a warrant issue on the treasurer in favour of the Marine Committee, for 510 2/3 dollars, to enable them to discharge an account of Messrs. Hopkinson and Wharton, allowed for their expences at Baltimore, and on their journey from thence to Philadelphia; the said Marine Committee to be accountable:

The committee further report, "that the Board, having considered the petition of Captain James Knox, of the 8 Virginia regiment, dated White Marsh camp, November, 19, 1777, to them referred by Congress, are of opinion that nothing is offered to prove that the petitioner was

<sup>1</sup>This report, in the writing of William Henry Drayton, is in the *Papers of the Continental Congress*, No. 19, IV, folio 85.

authorized to receive money for the officers and soldiers of his company, which, agreeable to the establishment, should have been paid to the regimental pay master; that, supposing him justifiable in this, no evidence is adduced to shew that it was not through his neglect that the money which he drew for the officers and men of his company, remained in his hands when ordered to join Colonel Morgan's corps:

That in the petition, it is set forth, that only six hundred and eighteen dollars belonging to the said officers and soldiers, were delivered to Captain Berry at the time of his receiving the order to join Colonel Morgan; whereas, by the deposition of Captain Berry, it appears that fifteen hundred and twelve dollars had been delivered to him by the petitioner, of which 618 dollars had been lost; that the evidence of John Key, relative to the breaking open the chest, appears unfavourable to the petitioner;" Whereupon,

*Resolved*, That Captain Knox have leave to withdraw his petition.<sup>1</sup>

*Resolved*, That a committee of five be appointed to consider of the state of the money and finances of the United States, and report thereon from time to time:

The members chosen, Mr. R[obert] Morris, Mr. [Elbridge] Gerry, Mr. R[ichard] H[enry] Lee, Mr. [John] Witherspoon, and Mr. G[ouverneur] Morris.

*Ordered*, That the report of the committee on the proceedings of the convention of committees, be referred to the foregoing committee.

A letter, of 24, from General Washington, and one, of the 21, from General Sullivan, were read.<sup>2</sup>

<sup>1</sup> This report, dated August 26, is in the *Papers of the Continental Congress*, No. 136, II, folio 499.

<sup>2</sup> This letter is in the *Papers of the Continental Congress*, No. 152, VI, folio 281.

Congress took into consideration the report of the committee to whom were referred the letters of Major General Gates, of the 22 July, and of Brigadier Parsons, of the 21 July, relative to cloathing purchased by Major Bigelow, &c. Whereupon,

The Committee to whom were referred the Letters of Major General Gates of the 22<sup>d</sup> July, and of Brigadier General Parsons of the 21<sup>st</sup> July, relative to Cloathing purchased by Major Bigelow, and the distressed situation of the Connecticut Troops for want of Cloathes beg Leave to report:—

That from the certificates of sundry Officers belonging to the State of Connecticut it appears that they have received of Joseph Trumbull Esq<sup>r</sup> in the latter end of January last, Materials for making, as specified in the Abstract herewith annexed, which Materials were purchased by Messr<sup>s</sup> Otis and Andrews, Agents for the Cloathier General at Boston, and forwarded to Governor Trumbull in consequence of his request.<sup>1</sup>

That it appears from a Letter of Messr<sup>s</sup> Otis and Andrews to M<sup>r</sup> Mease, Cloathier General, dated Boston, 30<sup>th</sup> June, 1778, that other Parcels of Cloathing had been delivered by Otis and Andrews in Consequence of Governor Trumbull's desire; but as Receipts had not come to hand the particulars cannot be ascertained.<sup>2</sup>

That it appears by the same Letter, that Brigadier General Parsons had ordered a Parcel of Goods, purchased by M<sup>r</sup> Barrell on account of the United States out of the hands of the Person who had them in Care; but whether these Goods were appropriated to the Use of General Parson's Brigade, or of what Particulars they consisted, does not appear.<sup>3</sup>

That the Materials furnished by Messr<sup>s</sup> Otis and Andrews were on or about delivered over to Major Bigelow, in order that he might superintend their being made, and forwarded to the Army, and that from Major Bigelow's Account, it appears that a very Considerable Part of this Cloathing has been already made, and forwarded to the Army, and that the Remainder will be compleated in about 8 Weeks.

That it appears from a Letter to [from] M<sup>r</sup> Mease to this Committee that in Consequence of a Resolution of the 28<sup>th</sup> August last, and the

<sup>1</sup> Vide, abstract and Receipts No. 1. *Note by Committee.*

<sup>2</sup> Vide letter o and a, No. 2. *Note by Committee.*

<sup>3</sup> Vide No. 2. *Note by Committee.*

Application of Major General Putnam, Major Peter Hughes was appointed an Assistant in the Cloathing Department at Fish Kills, some Time in October last, and that he continued to act therein till some time in June last.<sup>1</sup>

That in Consequence of Complaints made of the distressed Situation of the Continental Troops on the North River for Want of Cloathing, Congress on the 4<sup>th</sup> March last,

*Resolved*, "That the Cloathier General be directed to send an Assistant Cloathier to be stationed with the Continental Army on the North River to Superintend the procuring and Distribution of Cloathing, and in the mean Time that the Commanding Officer take such Order as to Cloathing the Troops as Exigencies may require."<sup>2</sup>

That M<sup>r</sup> George Measam, who acted as Cloathier to the Northern Army, arrived at Fish Kills on or about the 20<sup>th</sup> of June last from Albany.

That from the Declaration of Major Bigelow to your Committee, it appears that he was appointed to procure Cloathing for the Army under the Command of General Gates about the latter End of May last.

That the Return of Cloathing wanted for sundry Regiments in the Northern Army is signed by George Measam Assistant Commissary of Cloathing at Fish Kill, June 20<sup>th</sup> 1778, and afterwards transmitted to Major Bigelow.<sup>3</sup>

That it appears to your Committee, that at the Time this Return was signed by far the greatest Part of the Materials specified therein was actually arrived on Account of the United States, in the States of New Hampshire and Massachusetts Bay, and that a Considerable Part of the same was made up into Cloathes, Exclusive of Cloathing in the Hands of Mess<sup>rs</sup> Otis and Andrews at Boston sufficient for Cloathing 1500 or 2000 men.

That the Purchases of Cloathing by Major Bigelow were made in the State of Massachusetts Bay, in the latter End of June, and Beginning of July last, and that the Advance given for the same was from 11 @ 1200 lawful for 1 Shilling sterling, equal to about 1500 Penn<sup>a</sup> Currency for one sterling.<sup>4</sup>

That it appears by an Account furnished to your Committee by M<sup>r</sup> Mease, the Cloathier General that there is in the Hands of William Gardiner, Esq<sup>r</sup>, at Portsmouth in New Hampshire, a quantity of

<sup>1</sup>Vide letter J Mease Aug. 1<sup>st</sup>, No. 3. *Note by Committee.*

<sup>2</sup>Vide Res. No. 4. *Note by Committee.*

<sup>3</sup>Vide No. 5.

<sup>4</sup>Vide No. 6.

Cloathing purchased by him on public Account at 4½ advance for one Livre, reckoning the Livre at 1 Shilling lawful, to the Amount of 7211 5.6, which Purchase was made in the Month of June last.<sup>1</sup>

That a Quantity of Linen and Woolen Goods were purchased by M<sup>r</sup> Theodorus Barrell, of New London, for the Use of the United States at the Rate of 5 for one, on or about the 20<sup>th</sup> March last.<sup>2</sup>

From which Summary of Facts it appears to your Committee, that a very considerable Stock of Materials for supplying the Connecticut Troops has been delivered by Mess<sup>rs</sup> Otis and Andrews to the Order of Governor Trumbull; and detained by Brigadier General Parsons; that although the greatest Part of the same was delivered in the latter End of January, great Delays have happened in making up the same, the whole having not yet been delivered; That there being an Assistant Cloathier acting in the Department on the East Side of Hudson's River, at the Time Major Bigelow declares he received his Appointment, the Commanding Officer was not authorised under the Resolution of Congress of the 4<sup>th</sup> March last, to make an additional Appointment of a Person to procure Cloathing; That it was the Duty of M<sup>r</sup> George Measam, who signed the Return of Cloathing wanted for Sundry Regiments, which was transmitted to Major Bigelow to have made the said Purchases himself, or to have applied for the same to the Principal of the Department; That at the Time the purchases were made by Major Bigelow large Supplies of made and unmade Cloathing belonging to the U. States were stored in the State where the Purchases were made, notwithstanding which, your Committee being of Opinion, that Major Bigelow acted under an Authority, which he had Reason to deem sufficient, that his private Ruin may be involved in discharging what he conceived to be a public Contract, and that the Character of Major Bigelow is such as to induce a Belief that the Goods he purchased were contracted for on the best Terms he could procure them, beg leave to submit to Congress the following Resolutions:

~~That, it being represented by the Cloathier General to Congress, that an Assistant Cloathier was resident with the Army on the East side of Hudson's River at the Time when Major Bigelow declares he was appointed to procure Cloathing for that Army, the Commanding Officer in that Department was not warranted by the Resolution of Congress of the 4<sup>th</sup> of March last, to make an Appointment of any Person to procure Cloathing for the Troops in that Quarter.~~

<sup>1</sup> Vide Letter, W<sup>m</sup> Gardiner No. 7.

<sup>2</sup> Vide letter Otis and Andrews No. 8.

~~That it was the Duty of Mr. George Measam to procure the Cloathing wanted for the Troops on the East side of Hudson's River, either by making the Purchases himself, or by applying to the Principal in the Cloathing Department; that from a Neglect of this the Public have been put to great and unnecessary Expenditures; and therefore that the Commissary General of Cloathing be directed to enquire and report to Congress the Reasons which induced Mr. Measam to deviate from the Regular Line of his Duty.~~

And whereas doubts have arisen whether the said goods might not have been purchased at rates lower than they were contracted for,

*Resolved*, That the Clothier General be directed to make particular enquiry at what advance goods were sold at whole sale on the sterling invoice in the States of Massachusetts Bay and New Hampshire in the latter end of June last, and that he transmit the result of his enquiry to Congress as soon as possible.

*Resolved*, That a warrant issue on the treasurer in favour of James Mease, Esq. cloathier general, for two hundred and ninety thousand dollars, to be by him paid to Major Bigelow, for the purpose of satisfying the contracts which he has made for cloathing, in consequence of orders given him by the commanding officer on the east side of Hudson's river, in pursuance of the resolution of Congress of the 4 March last; and that Major Bigelow settle his accounts with the commissary general of cloathing.

*Resolved*, That Major Bigelow, be, and he is hereby directed to deliver all the cloathing, which he has purchased into the hands of the cloathier residing with the army on the east side of Hudson's river, as the same shall, from time to time, be made up; and that he transmit to the commissary general of cloathing, particular invoices of the goods he has purchased, and accounts of the deliveries made.<sup>1</sup>

Adjourned to 9 o'Clock to Morrow.

<sup>1</sup> This report, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 19, I, folio 357.



FRIDAY, AUGUST 28, 1778

A letter, of 22, from the executive council of Pennsylvania, relative to the case of Frederick Verner, referred to them on the 15, was read.<sup>1</sup>

A memorial from John Connolly, prisoner in the gaol, was read;<sup>2</sup> Whereupon,

*Ordered, unanimously*, by all the thirteen states, that the commissary general of prisoners be directed not to consent to the exchange of John Connolly, calling himself a lieutenant colonel in the British service, without the special order of Congress.

*Ordered*, That the commissary general of prisoners be directed not to deviate, in any instance, without the special order of Congress, from the resolution of Congress of 30 December, 1777, relative to citizens of these states who may be taken in arms.

A letter, of 25, from General Washington, was read inclosing the following papers:<sup>3</sup> 1. A copy of a letter of 23, from General Sullivan. 2. A copy of a remonstrance from Major General Greene to Count d'Estaing, August 21. 3. Of Count d'Estaing's letter to General Sullivan, August 21. 4. A protest of the general officers of the American Army on Rhode Island; and 5th, of General Sullivan's questions to the general officers and officers commanding brigades in the army under his command, in consequence of the determination of the Count d'Estaing to sail from Rhode Island.

*Ordered*, That the contents of the said letter and papers be kept secret, except the sailing of Count d'Estaing's

<sup>1</sup>This letter is printed in the *Pennsylvania Archives*, VI, 713.

<sup>2</sup>The letter of Pennsylvania is in the *Papers of the Continental Congress*, No. 69, I, folio 541; the memorial of Connolly, dated the 25th, is in No. 42, II, folio 52.

<sup>3</sup>The letter of Washington is in the *Papers of the Continental Congress*, No. 152, VI, folio 285; the enclosures are with it.

squadron from Rhode Island, but that the President communicate them to the Minister of France and inform him of the injunction of secrecy.

A motion was made that the letter and papers be committed, to which the previous question was moved, that that question be not now put, and the question put there,

*Resolved*, in the affirmative.

*Resolved*, That Baron Steuben be requested forthwith, to repair to Rhode Island, and give his advice and assistance to General Sullivan, and the army under his command.

*Ordered*, That General Washington take every measure in his power that the protest of the officers of General Sullivan's army against the departure of Count D'Estaing be not made public.

*Ordered*, That Mr. Thomas Adams have leave of absence.

Adjourned to 9 o'Clock to Morrow.

SATURDAY, AUGUST 29, 1778

Mr. [John] Henry, a delegate from Maryland, attended, and took his seat ||in Congress.||

A letter, of this day, from Baron Steuben, was read, expressing his zeal and readiness for every thing that can contribute to the service of the States, and informing, that he will instantly set out for Rhode Island, agreeably to the orders of Congress.<sup>1</sup>

*Ordered*, That 500 dollars be advanced to Baron Steuben; he to be accountable.

<sup>1</sup>This letter is in the *Papers of the Continental Congress*, No. 164, folio 142.

A memorial from Colonel Knobelauch, was read;<sup>1</sup> Whereupon,

*Resolved*, That Colonel Knobelauch be allowed two rations a day, and forage for two horses.

A memorial from the Rev. John Hurt, and a recommendation in his favour by Brigadier Scott, to be appointed chaplain to his brigade, with a certificate that he has acted as such since 25 July last, were read;<sup>2</sup> Whereupon,

*Resolved*, That the resolution of the 18th August, appointing the said Mr. J. Hurt, chaplain to the brigade late commanded by Brigadier Weedon, be re-considered, and that the said Mr. J. Hurt be appointed chaplain to the brigade commanded by Brigadier Scott.

*Ordered*, That the memorial of the Rev. Mr. J. Hurt, so far as relates to the settlement of his past accounts, be referred to the Board of Treasury.

The committee appointed to consider a part of the report of the Committee of Commerce, and the papers and accounts from Raymond Demeré, deputy cloathier in Georgia, brought in a report; Whereupon,

*Ordered*, That the bill drawn by Raymond Demeré on James Mease, Esq. in favour of Minis & Cohen, for 5496 dollars, and the bill drawn by the said Raymond Demeré, on the said James Mease, in favour of Coshman Pollock, for 1287 dollars, both which bills are endorsed to don Juan de Mirailles, be paid; and that a warrant issue in favour of James Mease, Esq. cloathier general, for 6783 dollars, for payment of the same.

*Resolved*, That the cloathier general be empowered and directed to pay the bills duly drawn upon him by Raymond

<sup>1</sup> This memorial, dated August 28, is in the *Papers of the Continental Congress*, No. 41, V, folio 9. A letter from the Board of War of the same date is in No. 147, II, folio 225.

<sup>2</sup> This memorial, dated August 28, is in the *Papers of the Continental Congress*, No. 41, IV, folio 85.

Demeré, his deputy in Georgia, for amount of cloathing purchased for the troops in the continental service; the resolution passed the 6th of April last to the contrary notwithstanding.

*Ordered*, That a warrant for five hundred guineas be issued upon the treasurer in favour of the President, to be by him transmitted to the Commander in Chief, to be laid out for the public service; he to be accountable.

The committee to whom was referred the letter of the 15th, from General Arnold, report, that, "in their opinion, the evidence against Patrick M'Mullen is sufficient, together with his own confession, to convict him of desertion, being the crime charged against him: that the court martial which tried him certified to the general that the said Patrick M'Mullen is a person of a most atrocious character:"<sup>1</sup> Whereupon,

*Resolved*, That General Arnold be informed that Congress do not see cause to remit the sentence passed by the court martial on Patrick M'Mullen.

*Resolved*, That Adjutant Wallace and Henry Love, upon the circumstances attending their particular cases, and the recommendation of them by General Arnold to the mercy of Congress, be, and they are hereby pardoned.<sup>2</sup>

A letter, of 28, from Captain J. Stoddard, was read.

The Board of War, to whom were referred the petition of Captain Stoddard, and the memorial of Captain Stoddard and other officers of the 2d regiment of light dragoons, having made report thereon, the same was read; Whereupon,

*Resolved*, That the memorial of the officers of the 2d battalion of light dragoons, together with the report of

<sup>1</sup> The committee report continued as follows: "But whether the mercy of Congress be extended to him, your committee humbly submit."

<sup>2</sup> This report, in the writing of Henry Marchant, is in the *Papers of the Continental Congress*, No. 19, VI, folio 145.

the Board of War, be transmitted to the committee of arrangement now with the army: that they be desired to enquire of General Washington whether the said memorial is to be considered as an application from the officers of cavalry in general, and to know the General's opinion as to the mode and amount of the compensation, which he shall deem proper to be allowed to the officers of cavalry for the extra expences they are at in equipping themselves for the service.<sup>1</sup>

The Committee on the Treasury brought in a report, which was read, and after debate,

*Ordered*, That it be re-committed.

A letter, of 28, from J[ohn] and A[lexander] Wilcocks, was read:<sup>2</sup>

*Ordered*, To lie on the table, for future consideration.

Adjourned to 9 o'Clock on Monday.

MONDAY, AUGUST 31, 1778

A letter of 17, from Mr. Mat. Visscher, with sundry papers relative to Indian affairs in the northern department, was read:

*Ordered*, That they be referred to the Board of War.

A letter, of 25, from Governor Trumbull, of Connecticut, was read, respecting the settlement of the accounts of his son, the late Joseph Trumbull, Esq. commissary general:

*Ordered*, That it be referred to the Board of Treasury.

A letter, of 14, from the council of Massachusetts bay, was read, together with a letter from J. Gardoqui and Sons, at Bilboa, 4 June, and a note from Arthur Lee, Esq. commissioner at Paris, May 12.

<sup>1</sup> This resolution, in the writing of William Duer, is in the *Papers of the Continental Congress*, No. 36, IV, folio 383.

<sup>2</sup> This letter is printed in the *Pennsylvania Archives*, VI, 724.

A letter, of 27, from the committee of arrangement at camp, was read,<sup>1</sup> informing, that a great spirit for inlisting has taken place among the soldiers who are brought into the army as drafts, and representing the expediency of authorizing the inlistment of them: Whereupon,

The Board of War, having reported on the paragraph of the letter of the 3d and 4th, from General Washington, referred to them on the same subject, it was moved to take up that report, and the said report being read,

The sense of the house was taken on granting a sum of specie, to be applied in part of the bounty allowed to soldiers inlisting for three years, or during the war:

On which the yeas and nays being required by Mr. [William] Duer,

<i>New Hampshire,</i>			<i>Pennsylvania,</i>		
Mr. Bartlett,	no	} no	Mr. Roberdeau,	no	} no
<i>Massachusetts Bay,</i>			James Smith,	no	
Mr. S. Adams,	no	} no	<i>Delaware,</i>		
Lovell,	no		Mr. M'Kean,	no	} no
Holten,	no		<i>Maryland,</i>		
<i>Rhode Island,</i>			Mr. Chase,	ay	} ay
Mr. Marchant,	no	} no	Plater,	no	
<i>Connecticut,</i>			Forbes,	ay	
Mr. Hosmer,	no	} no	Henry,	ay	
A. Adams,	no		<i>Virginia,</i>		
<i>New York,</i>			Mr. Harvie,	ay	} ay
Mr. Lewis,	ay	} ay	B. H. Lee,	ay	
Duer,	ay		Griffin,	no	
G. Morris,	no		<i>North Carolina,</i>		
<i>New Jersey,</i>			Mr. Penn,	no	} no
Mr. Witherspoon,	no	} no	Harnett,	no	
Elmer,	no		Williams,	no	
Scudder,	no				

<sup>1</sup> The letter of Visscher is in the *Papers of the Continental Congress*, No. 166, folio 385; that of the Massachusetts council, in No. 65, I, folio 338; that of Gardoqui on folio 348, and that of Lee, on folio 364; that of the committee to camp, in No. 78, XIX, folio 257.

<i>South Carolina,</i>			<i>Georgia,</i>		
Mr. Laurens,	no	} ay	Mr. Walton,	ay	} ay
Drayton,	no		Telfair,	ay	
Mathews,	ay		Langworthy,	ay	

So it passed in the negative.

Congress proceeded in the report; and thereupon,

*Resolved*, That it is essential to the interest and safety of these states, that the most speedy and effectual measures be, without delay, adopted for engaging in the continental service, for three years, or during the war, such of the drafts of the militia as are at present incorporated in the battalions of the respective states.

*Resolved*, That for this purpose the sum of one hundred and twenty thousand dollars, in continental money, be appropriated and forthwith remitted to William Palfrey, Esq. pay master general of the American army.

*Resolved*, That the usual bounty of 20 dollars be given to each recruit who shall enlist for three years, or during the war.<sup>1</sup>

*Resolved*, That no soldier be permitted to enlist in the battalions of any other State than that in whose service he is at present engaged, except in the artillery, cavalry, engineering departments, and provost; the men so engaged to be carried to the quota of the State for which they now serve.

*Resolved*, That General Washington be directed to cause the money hereby appropriated, to be paid into the hands of such trusty, active, and discreet officers as he shall think proper to appoint to recruit for the quota of the respective states, in proportion to the number of men not engaged for three years, or during the war, which each State shall have in the field.<sup>2</sup>

<sup>1</sup>The original report here added: "and that one moiety of the same be paid in gold and silver."

<sup>2</sup>This report is in the *Papers of the Continental Congress*, No. 147, II, folio 247. The members present Duer, Pickering and Peters.

A paper signed "Adam Ferguson, secretary to his majesty's commission," dated at New York, August 26th, 1778, was read, setting forth, that "his majesty's commissioners direct Dr. Ferguson to transmit to the President of the American Congress, for the information of the Congress, the declaration of this day by George Johnstone, Esq. and the declaration of the same date by the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esq. and also the requisition respecting the troops lately serving under Lieutenant General Burgoyne, signed by the Earl of Carlisle, Sir Henry Clinton, and William Eden, Esq. which several declarations and requisition, accompanying the said paper, were read.<sup>1</sup>

*Ordered*, That a warrant issue on the treasurer in favour of James Mease, Esq. cloathier general, for thirty thousand two hundred and twenty two and one half dollars, to discharge the following bills, drawn on him by Raymond Demeré, his agent in Georgia, viz.

One dated 21 April, 1778, in favour of John Baddely, Esq. for four thousand nine hundred dollars; one of the same date, in favour of the same, for 5100 dollars; one of the same date, in favour of the same, for 5000 dollars; one of the same date, in favor of the same, for 4800 dollars; one dated 10 June, in favour of James Anderson, for 2422½ dollars; and one dated 21 July, in favour of John Walters Gibbs, for 8000 dollars; amounting in the whole, to the sum of 30,222½ dollars; and expressed to be for value received in cloathing for the continental troops of the State of Georgia; the said J. Mease to be accountable.

A letter, of 13, from Governor Caswell, of North Carolina, to Mr. [John] Penn, one of the delegates of that State, was read:

*Ordered*, That it be referred to a committee of three:

<sup>1</sup> These papers are in the Library of Congress.



The members chosen, Mr. [Henry] Marchant, Mr. [William Henry] Drayton, and Mr. [John] Harvie.

*Ordered*, That Mr. [Nathaniel] Scudder have leave of absence.

Adjourned to 9 o'Clock to Morrow.

**TUESDAY, SEPTEMBER 1, 1778**

The delegates from North Carolina produced a new commission, which was read, as follows:

(L. S.) STATE OF NORTH CAROLINA.

To Whitmill Hill and Thomas Burke, Esquires, greeting:

Whereas, the General Assembly have made choice of you, the said Whitmill Hill and Thomas Burke, as Delegates in Continental Congress, to represent this State, together with John Penn, Cornelius Harnett, and John Williams, Esquires, who have been heretofore appointed for that Purpose. We do therefore Commissionate and appoint you, the said Whitmill Hill and Thomas Burke, Delegates in Continental Congress, to represent this State for and during the Term of one Year, unless sooner removed by the General Assembly of this State; of which five Members, to wit, John Penn, Cornelius Harnett, John Williams, Whitmill Hill, and Thomas Burke, We do empower and require three and no more, unless prevented by unavoidable Accident, to attend the Councils of Congress, Hereby giving and granting unto any two of the said Delegates present in Congress, full Power and Authority, by their Vote or Assent, to bind the Inhabitants of this State in all Cases, not inconsistent with the Constitution thereof and its Rights and Privileges as an Independent Sovereign People, and the Instructions which they shall receive from this State.

Witness, Richard Caswell, Esquire, Governor, Captain General, and Commander in Chief of the said State, under his Hand and Seal now used for said State, at Hillsborough, the 13th day of August, in the Third Year of our Independence, Anno Domini, 1778.

RICHARD CASWELL.

By his Excellency's Command,  
J. GLASGOW, *Secretary of the State*.<sup>1</sup>

<sup>1</sup>The original is in the *Papers of the Continental Congress*, North Carolina, *Credentials of Delegates*.

A letter, of 30 August, from Baron d'Arendt, was read:

*Ordered*, To lie on the table.

A letter, of this day, from Cornelius Sweers, was read:

*Ordered*, That it be referred to a committee of three:

The members chosen, Mr. [William Henry] Drayton, Mr. G[ouverneur] Morris, and Mr. [Samuel] Chase.

A letter, of this day, from Colonel Wadsworth, was read;<sup>1</sup> Whereupon,

Congress resumed the consideration of the report of the Board of War, of the 25 August, and thereupon,

The said Commissaries General also representing,

That great Difficulties attend the present Mode of receiving and Killing the Cattle sent to Camp by the several Purchasers; there being no Person whose particular Duty it is to examine the Fitness of the Cattle for the Consumption of the Army, or equitably to distribute them according to their Condition among the Divisions or Brigades; to condemn such Provisions as are unwholesome, to settle any Difference of Opinion which may arise on the Subject between the purchasing and issuing Departments, and to perform the Duties hereafter mentioned. That the Article in the old System, No. 14, is impracticable as *every purchaser* by that Article is to send a Deputy to see the Cattle he buys Killed, and this will introduce a Multitude of unnecessary People, and besides is impossible to be carried into Execution. That altho' the issuing Commissaries in some Cases have received and given Receipts for Cattle, yet from hence in some Instances Partialities and Impositions have arisen, which are intended to be hereby prevented, and especially any undue Management, which may possibly happen between some of the Persons employed under the Heads of each Department. Agreed further to report,<sup>2</sup>

*Resolved*, That the commissary general of purchases be empowered and directed to appoint and remove, at his pleasure, an inspector of cattle, at a salary of four dollars a day, with an allowance of one ration a day, and forage for one horse:

<sup>1</sup> The letter of Arendt is in the *Papers of the Continental Congress*, No. 78, VII, folio 201; that of Wadsworth, in XXIII, folio 547.

<sup>2</sup> For this 14th article see Journals for 1777, VIII, 438 *ante*.

